TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 363.

TEN HUNDRED AND FIFTY CASES OF WINE, T. BAILLY BLANCHARD, CLAIMANT, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

FILED DECEMBER 9, 1870.

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1 Circuit court of the United States, fifth circuit and district of Louisiana.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

Transcript from U. S. district court, filed October 26th, 1869.

District court of the United States, district of Louisiana.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

In error to the circuit court.

PROCEEDINGS BEFORE THE U. S. DISTRICT COURT.

Libel of information.—Filed April 3d, 1866.

To the Honorable Edward H. Durell, judge of the district court
2 of the United States of America, for the eastern district of Louisiana.

At a session of the district court of the United States of America for the eastern district of Louisiana, held at New Orleans on the 2d day of April, in the year of our Lord one thousand eight hundred and sixty-six, John K. Goodloe, attorney of the United States, in and for the said district, who prosecutes for the said United States, in this behalf, and being present here in this honorable court in his proper person, alleges, propounds, and declares:

That W'm P. Kellogg, esq., collector of customs, in and for the district of New Orleans, in the said eastern district of Louisiana, and within the jurisdiction of this court, heretofore, that is to say, on the 5th day of March, in the year of our Lord one thousand eight hundred and sixty-six, to wit, at New Orleans, in the said district of New Orleans in the said eastern district of Louisiana, and within the jurisdiction of this court, on land seized
3 as forfeited to the United States of America for the causes hereinafter mentioned, (1050) ten hundred and fifty cases of red wine marked T. B. B. Jr., 735–764, and now holds the same in his custody. For that heretofore, to wit, on or about the 5th day of March, 1866, the aforesaid 1050 cases of wine were brought and imported into the United States in a vessel called the "Rival," from a foreign port or place, to wit, from Bordeaux, in the empire of France, to the port of New Orleans, in the collection district of New Orleans, in the eastern district of Louisiana, which said wine is subject to the payment of ad valorem duties to the United States on being brought and imported as aforesaid; that an entry of said wine duly signed was, at the time of the importation thereof, duly made at the office of the collector of said port, and district of New Orleans, and on such entry being made as aforesaid, an invoice of the wine included in the said entry was pro-
4 duced and left with the collector aforesaid. And the said attorney avers that the aforesaid wine, entered as aforesaid, and of which an invoice was produced and left as aforesaid, were not invoiced according to the actual cost thereof, at the place of exportation, but on the

contrary were in fact invoiced at less sums than the actual cost thereof at the place of exportation, with design to evade the duties thereupon or some part thereof contrary to the form of the statutes in such cases made and provided.

Whereby, and by force of the statutes in such cases made and provided, the said 1050 cases of red wine became and are forfeited to the United States of America. And the said attorney of the United States, on behalf of the said United States, saith that all and singular the premises aforesaid are and were true, public and notorious; of which due proof being made the said attorney prays the usual process and monition of this honorable court in this behalf, and that all persons interested in the before-mentioned and described 1050 cases of
5 red wine, may be cited, in general and special, to answer the premises, and all due proceedings had thereon, that the said 1050 cases of red wine may, for the causes aforesaid and others appearing, be condemned by the definite sentence and decree of this honorable court, as forfeited to the use of the said United States, according to the form of the statutes of the said United States in such case made and provided.

(Signed) JOHN K. GOODLOE,
United States Attorney for the Eastern District of Louisiana.

Let admiralty process issue as prayed for.
New Orleans, April 3d, 1866.
(Signed) K. LOEW,
D'y Clerk.

Admiralty warrant.—Issued April 3d, 1866.

The President of the United States of America to the marshal
6 of the eastern district of Louisiana or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize and into your possession take, the ten hundred and fifty cases of red wine, marked T. B. B., Jr., 735–764, now libelled by the United States for the causes set forth in the libel now pending in the district court of the United States for the eastern district of Louisiana; that you do cite and admonish the owner or owners, and all and and every other person or persons having, or pretending to have, any right, title, or interest in or to the same, to be and appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have, or can, why the said property should not be condemned and sold agreeably to the prayer of libellant; and how you have executed this war-
7 rant, that you make return, according to law.

Witness the honorable Edward H. Durell, judge of the said court, at New Orleans, this 3rd day of April, 1866, and the 90th year of the independence of the United States.

[SEAL.] (Signed) K. LOEW,
D'y Clerk.

Marshal's return.

Received April 4th, 1866, and on the 6th day of April, 1866, seized and took into my possession the property named within, posted a copy of this warrant, the libel, and the order of the judge on the door of the

court-house, and published monition in the "Southern Star," a daily paper then published in this city, on the 10th & 17th of April, 1866, and in the Picayune, a daily paper printed and published in this city, on the 24th & 28th April, 1866.

New Orleans, May 7th, 1866.

(Signed) J. J. PREIS,
D'y U. S. Marshal.

8 *Marshal's monition.*

UNITED STATES
vs.
(1050) TEN HUNDRED AND FIFTY CASES RED WINE, m'k'd T. B. B. J'r., 735–764

In the United States district court, eastern district of Louisiana, No. 8382.

In obedience to an admiralty warrant to me directed in the above-entitled suit, I have seized and taken into my possession ten hundred and fifty cases red wine, now libelled by the United States of America, for the causes set forth in the libel now pending in the district court of the United States, and I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having, or pretending to have any right, title, or interest in or to the same, to be and appear at a district court of the United States for the district aforesaid, to be holden at the city of New Orleans on or before the third Monday from the date hereof, to show cause, if any they have, or can, why the
9 said property should not be condemned and be sold agreeably to the prayer of libellants, and the proceeds thereof be distributed according to law.

United States marshal's office, New Orleans, 9th day of April, 1866.

(Signed) CUTHBERT BULLITT,
United States Marshal.

Ap. 10, 17, 24, 28.

Claim.—Filed April 7th, 1866.

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
1050 CASES OF RED WINE, M'K'D T. B. B. JR. 735–764. } No. 8382.

Theodore Bailly Blanchard, j'r, being duly sworn, deposes and says that he is the legitimate owner of the goods seized and libelled by the United States in the above case, arrived in this port from the port of Bordeaux, France, on board ship Rival; that no other person or persons has or have any interest in said goods but your affiant him-
10 self.

(Signed) T. BAILLY BLANCHARD, J'R.

Sworn to and subscribed before me this 5th day of April, 1866.

(Signed) K. LOEW, *D'y Clerk.*

Order to bond and appointing appraisers.—Extract from the minutes of 7th April, 1866.

UNITED STATES
vs.
1050 CASES OF RED WINE, M'K'D T. B. B. JR., 735–764. } No. 8382.

On motion of J. L. Tissot, proctor for T. Bailly Blanchard, j'r, the claimant, the attorney of the U. S. being present and assenting, ordered that the property libelled in this case be delivered to the claimant upon furnishing bond, with good and solvent security, conditioned as the law directs, in a sum equal to the appraised value of said property, which is to be ascertained by H. G. Heartt and R. L. Robertson, the appraisers of the court.

11 *Appraisement.—Filed April 11th, 1866.*

OFFICE OF THE UNITED STATES APPRAISERS,
NEW ORLEANS, *April 9th*, 1866.

UNITED STATES
vs.
1050 CASES RED WINE. } No. 8382.

Appraisers' report of cargo.

We, the undersigned appraisers of this honorable court, duly appointed and sworn, have the honor to report that we have this day carefully examined the wine enumerated above, and are of opinion that the actual market value or wholesale prices of the said merchandise are this day, and we do therefore appraise the same, as follows:

Marks.	Nos.	Description of m'd'se or vessel.	
T. B. B. Jr. No. 735-764 Suit 8382	1050	Cases "Jules Vennard & Co." St. Laubes Bordeaux claret, p. case $31 50...	$32,675 00
	1050	Cases new wine.	

12 (Signed) H. G. HEARTT,
"
RICH'D L. ROBERTSON,
U. S. Appraisers, New Orleans.

To the Hon. E. H. DURELL,
Judge U. S. District Court for the Eastern District of Louisiana, New Orleans.

Bond of release.—Filed April 11th, 1866.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

Know all men by these presents, that we, T. Bailly Blanchard, j'r, of New Orleans, claimant and owner of the property libelled herein, as principal, and Jules Tuyes, as surety, are held and firmly bound unto the United States, libellant, in the sum of three thousand six hundred and seventy-five dollars, lawful money of the United States of America, for the payment whereof to the said United States or assigns, we joint-

ly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents. Witness our respective names and seals hereunto affixed by us at New Orleans, this 11th day of April,
13 one thousand eight hundred and sixty-six.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana, at the suit of the United States vs. 1050 Cases Red Wine, numbered 8382 on the docket of the said court, commanding the marshal to seize and take into his possession the said property, which has been seized accordingly, but has been released from said seizure and delivered to T. B. Blanchard, j'r, the claimant and owner thereof, by reason of the signing, sealing, and delivery of these presents, said claimant having obtained leave of court to bond said property, and filed a claim thereto, which is now of record in the clerk's office of this court.

Now the condition of the above obligation is such, that if the said claimant and sureties abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by
14 the final decree rendered in the court, to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void, but otherwise shall remain in full force and virtue.

(Signed) T. BAILLY BLANCHARD, J'R. [L. S.]
(") J. TUYES. [L. S.]

Signed, sealed, and delivered in the presence of—
(Signed) K. LOEW,
D'y Clerk.

[25c. stamp, cancelled.]

Jules Tuyes sworn, says that, I reside in this city, and am worth the amount of this bond, over and above all my liabilities.
(Signed) J. TUYES.

Sworn to and subscribed before me this 11th day of April, A. D. 1866.
(Signed) K. LOEW,
D'y Clerk.

Security accepted & approved.
(Signed) E. H. DURELL,
Judge.

Writ of release.—Issued April 11th, 1866.

15 The above writ has not been returned by the marshal.

Answer, and prayer for jury.—Filed April 27th, 1866.

U. S. district court, eastern dist. of Louisiana.

THE UNITED STATES
vs.
1050 CASES OF RED WINE. } No. 8382.

Into this honorable court comes Theodore Bailly Blanchard, the claimant, by his undersigned proctors, and saving and reserving all benefit of exception, to the errors, uncertainties, and insufficiencies in the said libel contained, for answer and plea thereto, says that the one thousand

and fifty cases of red wine in said libel mentioned, did not, nor did any part thereof become forfeited, in manner and form as in the said libel in this behalf is alleged; and he further denies that the aforesaid 1050 cases of wine were invoiced at less than their actual costs at the
16 place of exportation, and that there was any design to evade the duties due the United States nor any part thereof.

Wherefore the said claimant prays that the said libel may be dismissed, and that the above-mentioned one thousand and fifty cases of red wine may be restored to him, and that the issue, thus made, be tried by the country.

(Signed) G. SCHMIDT.
(Signed) T. BAILLY BLANCHARD, J'R.

Sworn to and subscribed before me this 28th April, 1866.
(Signed) K. LOEW,
D'y Clerk.

Affidavit.—Filed May 7th, 1866.

U. S. district court, eastern dist. of La.

UNITED STATES
vs.
1050 CASES RED WINE. } No. 8382.

Theodore Bailly Blanchard, j'r, claimant in this suit, declares on oath, that J. Pellé Armand Lacosse, J. E. Loreilhe, and B. Trey-
17 eran, all residing at Bordeaux, France, are material witnesses for him in this suit, without whose testimony he cannot safely go to trial; wherefore he prays for a commission addressed to the American consul or vice-counsul of the U. S. at Bordeaux, to take their testimony, and that sixty days be allowed for the return of the same.
(Signed) T. BAILLY BLANCHARD, J'R.

Sworn to and subscribed before me this 7th day of May, 1866.
(Signed) CH'S CLAIBORNE, *Clerk.*

Order for a commission.—Extract from the minutes of 7th May, 1866.

UNITED STATES
vs.
1050 CASES RED WINE. } No. 8382.

On motion of G. Schmidt, esq., proctor for T. B. Blanchard, j'r, claimant, and upon filing affidavit, ordered that a commission issue in this case addressed to the consul or vice-consul of the U. S. at Bor-
18 deaux, France, to take the depositions of the witnesses named in the affidavit and there residing, and that 60 days be allowed for the return of said commission.

Amended libel.—Filed June 11th, 1866.

United States dist. court.

UNITED STATES
vs
(1050) TEN HUNDRED AND FIFTY CASES RED WINE, T. B. B. Jr., 735–764. } No. 8382.

And now come the libellants herein, by Jno. K. Goodloe, their author-

ized attorney for the district aforesaid, and, by leave of this honorable court first obtained, amend the original libel filed herein by adding thereto the following:

For that heretofore to wit, on or about the 16th day of November, 1865, at Bordeaux, in the Empire of France, Ry. Treyeran, being the owner of said 1050 cases of red wine, marked as aforesaid, and which said goods, wares, and merchandise, were subject to an ad valorem
19 duty on being imported into the United States, and designing and intending to import the same into the United States, and to make entry thereof at the port of New Orleans, made and signed an invoice of said goods, wares, and merchandise, and before the shipment thereof produced such invoice to the consul of the United States nearest the place of shipment, with a declaration endorsed thereon and signed by said owner; that said invoice contained the actual market value of said goods, wares, and merchandise, at the time and place, and when and where the same were procured or manufactured. Whereupon the said consul endorsed upon said invoice and declaration a certificate as required by law; and afterwards, to wit, on or about the 16th day of November, 1865, the said owner shipped the said goods, wares, and merchandise, at the port of Bordeaux, in the Empire of France, consigned to the firm or house of T. Bailly Blanchard, j'r, at New
20 Orleans aforesaid, and forwarded to said consignee the said invoice with the aforesaid declaration endorsed thereon.

That afterwards, to wit, on the 6th day of January, 1866, the said goods, wares, and merchandise, were imported into the United States by the owner aforesaid, and arrived at the said port of New Orleans in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France; and afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, j'r, consignee as aforesaid of said goods, wares, and merchandise, acting in behalf and for the owner thereof, made an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid, and on such entry produced and left with said collector the said invoice so made and produced to said consul as aforesaid, with the said
21 declaration of said owner so as aforesaid endorsed thereon as the true and genuine invoice of said goods, wares, and merchandise, and represented that the same, and also said declaration endorsed thereon, were in all respects a true, and contained a true and full, statement of the actual market value of said goods, wares, and merchandise, at the time and place when and where the same were procured or manufactured. Whereas in truth and in fact the said invoice so produced as aforesaid, by said owner to said consul, and the said declaration thereon endorsed, were and are false and fraudulent, and did not state or contain a true and full statement of the actual market value of said goods, wares, and merchandise, at the time and place when and where the same were procured or manufactured, but on the contrary, the said owner well knew that said invoice was false, and that the
22 market value of said goods, wares, and merchandise, was much greater than the sums and prices stated in said invoice. And the said T. Bailly Blanchard, j'r, the consignee as aforesaid, at the time of presenting the said invoice and entering said goods, wares, and merchandise, at the said office of the collector of customs as aforesaid, well knew that the said invoice and said declaration were false and fraudulent.

And so the attorney for the United States says, that the said owner

and consignee of said goods, wares, and merchandise, did knowingly make an entry of said goods, wares, and merchandise, at the time and place aforesaid, by means of a false invoice, and of a false certificate of said consul, so fraudulently procured as aforesaid, and of an invoice which did not contain a true statement of all the particulars required by law, and of said false declaration so made before said consul
23 and endorsed on said invoice as aforesaid, with a fraudulent design to evade some part of the duties lawfully chargeable thereon. Whereby and by reason thereof the said goods, wares, and merchandise, became and are forfeited to the United States. And the said attorney prays, as in his original libel he has already prayed.

(Signed) JNO. K. GOODLOE,
U. S. Att'y.

Order.

Let this amended libel be filed.
June 11th, 1866.
(Signed) E. H. DURELL, *Judge.*

Marshal's return.

Received June 13th, 1866, and same day, month, and year served a copy of the within amended libel on T. B. Blanchard, j'r, personally, at office No. 38 Old Levee street, in this city, he being the claimant of the property named in the within libel.
New Orleans, June 19th, 1866.
(Signed) M. EGAN,
D'y U. S. Marshal.

24 *Answer to amended libel.—Filed July 20th, 1866.*

U. S. district court, E. D. of La.

UNITED STATES
vs.
1,050 CASES OF RED WINE, M'K'D T. T. B. JR, 735–764. } No. 8382.

Theod. Bailly Blanchard, j'r, the consignee & claimant of the aforesaid 1050 cases of wine, comes into court by his undersigned proctors, and, not confessing or acknowledging all or any of the matters and things alleged John K. Goodloe, esq., att'y of the U. S., in behalf of the said United States, in his amended libel filed in this cause, and now and at all times hereafter saving and reserving to himself all and all manner of benefit and advantage of exception that can or may be taken to the errors and insufficiencies in said amended libel con-
25 tained, and the right to put in and make such other and further claim and allegations as he may be advised, says that he is the consignee of the 1050 cases of wine in the aforesaid amended libel mentioned, and that said 1050 cases of wine of which T. B. Blanchard, j'r, of New Orleans, is the owner; nor did any part thereof become forfeited in manner and form as in said amended libel in that behalf alleged; all of which he prays may be enquired of by the country. Wherefore he prays that said amended libel be dismissed, and that the said 1050 cases of red wine be restored to him, and that reasonable damages for the

unlawful seizure and detention of the said 1050 cases of wine be awarded him, together with costs and general relief, &c.

(Signed) G. SCHMIDT AND J. L. TISSOT,
Proctors.

(Signed) T. BAILLY BLANCHARD, J'R.

26 Sworn to and subscribed before me this 20th July, 1866.

(Signed) K. LEOW,
D'y Clerk.

Affidavit for a commission.—Filed August 25th, 1866.

U. S. dist. court.

UNITED STATES
vs.
1050 CASES OF RED WINE. } 8382.

Theo. Bailly Blanchard, j'r, claimant in the above suit, declares on oath that J. Pelle, Armand Lacosse, J. E. Loreilhe, J. Lacosse, P. Pascal, F. Dubois Abadie, broker, B. Treyeran, Mss. Moulineau fils, Armand Guerin, J. Cessat, jeune, J. H. Lubbert, Emile Leroy, all residing at Bordeaux, France, or its vicinity, are material witnesses for him in the above suit, without whose testimony he cannot safely go to trial.

(Signed) T. BAILLY BLANCHARD, J'R.

Sworn to and subscribed before me this 25th August, 1866.

(Signed) K. LOEW,
D'y Clerk.

27 *Order.*

In the absence of the judge, let a commission issue in the within-named case, addressed to the U. S. consul at Bordeaux, directing him to take the testimony of the witnesses named in the affidavit, and let the said commission be made returnable on or before the 3rd Monday of November next.

August 25th, 1866.

(Signed) CH'S CLAIBORNE, *Clerk.*

Interrogatories.—Filed August 25th, 1866.

U. S. dist. court, E. D. of La.

UNITED STATES
vs.
1050 CASES OF RED WINE. } 8382.

Interrogatories to be answered by J. Pelle, B. Treyeran, J. Lacosse, and others, witnesses for claimant, residing at the city of Bordeaux, France.

First. Please state your age, residence, and occupation, and how long you have resided in Bordeaux.

28 Second. Are you acquainted with the current market prices of wines at Bordeaux, and did you know them as they existed on the 13th of November, 1865?

Third. If you answer the preceeding question affirmatively, look at the annexed copy of the invoice marked T. B. B. 5, and state if the prices of the wines therein quoted were the current market prices of such wines at Bordeaux on the 13th of November, 1865, or at any time previous.

Fourth. Are you acquainted with Treyeran Freres? If so, state their standing and reputation.

Fifth. Do you know of anything else that would be of benefit to the claimant in this suit, who is charged with having falsely and fraudulently undervalued the wines mentioned in the foregoing invoice, with the intent of avoiding some part of the duties lawfully chargeable thereon? Please state the same as fully as if thereto specially interrogated.

(Signed) G. SCHMIDT,
" J. L. TISSOT,
Proctors.

29 *Invoice annexed to interrogatories.—T. B. B. 5.*

Facture aux marchandises suivantes, chargées sur le navire Rival, Cap'ne Applegit, allant a New Orleans, d'ordre pour compte, aux risques & perils de **Monsieur** *Th're Bailly Blanchard, j'r, neg't de la ditte ville.*

B. B. J.	"	12 manches a boucher les b'lles a f 30	360 "	
	"	1 caisse contenant 24, 000 etiquettes	192 "	
	735–764	1500 " vin rouge a f 510 St. Loubes	7, 650 "	
	765 a 866	102 barriques vin rouge, a f 240 le tonneau	6, 120 "	
	867–75	500 caisses vin rouge, a f 4.90 St. Ambes	2, 439 "	16, 772 "
		A AJOUTER.		
		Assurance, 1s per ct. f $20, 000	300 "	
		Certificat	13 50	
		Commission, 2½ per ct.	427 15	740 65
			Fr's	17. 512 65

S. E. au On.
Bordeaux, 13 novembre, 1865.
(Signed) TREYERAN FRERES.
Etiquettes: Jules Vinard & Cie.; St. Loubes, Bordeaux; St. Macaire, Bordeaux.

30 *Cross-interrogatories.—Filed September 3d, 1866.*

U. S. dist. court.

UNITED STATES
vs.
1050 CASES OF WINE, T. B. B. JR., T. B. BLANchard, J'r, claimant. } 8382.

Libellants, reserving all legal exceptions to the interrogatories in chief, and answers thereto, propound the following cross-interrogatories to claimant's witnesses, J. Pellé, B. Treyeran, J. Lacosse, and others in the above entitled suit:

1st. What is your name, age, and occupation; in whose employ are you; in what capacity; are you engaged in shipping wines to the United States?

2d. Do you know the particular wines libelled in this suit; did you ever examine and taste the particular wine libelled herein; do you know, of your own knowledge, where the wine libelled herein was manufactured?

3d. Who was the first owner of the wine libelled herein before
31 it was bottled; if you state that any other person than T. Bailly Blanchard, j'r, claimant, was the first owner, state if you were present when T. Bailly Blanchard, j'r, purchased the wine?

4th. Do you know, of your own personal knowledge, anything about the actual market value of the particular wine libelled herein, except from the books of Treyeran Freres, claimants?

(Signed) C. S. KELLOGG,
Ass't U. S. Att'y.

Commission.—Issued September 5th, 1866.

District court of the United States of America for the eastern district of Louisiana, holding sessions in the city of New Orleans.

To the American consul at Bordeaux, France:

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you that you call and cause to come before you, J. Pellé, Armand Lacosse, J. E. Loreilhe, J.
32 Lacosse, P. Pascal, F. Dubois Abadie, broker, B. Treyeran, Mr. Moulineau, fils, Armand Guerin, J. Cessat, jeune, J. H. Lubbert, and Emile Leroy, witnesses for claimant, and them duly examine on the annexed interrogatories, on oath, touching and concerning certain matters and things in a case now pending in the said court, wherein the United States of America are plaintiffs, and T. Bailly Blanchard, j'r, consignee and claimant, is defendant; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without , to be read in evidence on the trial of said cause, and send, also, this writ.

Witness the Honorable Edward H. Durell, judge of the district court of the United States of America for the eastern district of Louisiana, at the city of New Orleans, this 5th day of September, A. D. 1866.

(Signed) K. LOEW,
D'y Clerk.

33 *Return to commission.—Opened and filed, November 19th, 1866.*

Testimony taken before W'm L. Gleeson, commissioner appointed by the district court of the United States in and for the eastern district of Louisiana, in a matter of libel therein pending, in which the United States are plaintiffs, and T. Bailly Blanchard, j'r, is claimant.

Examination commenced, October 24th, 1866.
Present, Bernard Reney Treyeran, Emile Leroy, and James Cessat, j'r

The first witness examined was EMILE LEROY, who was duly sworn, and deposed as follows:

(Mr. Francis Hiver of Bordeaux was sworn to well and truly interpret the testimony to be given by this witness.)

Int. 1st. Please state your age, residence, and occupation, and how long you have resided in Bordeaux.

Answer. My name is Emile Leroy; I am thirty-seven years old;

34 by profession a wine-broker; was born and have always resided in Bordeaux.

Int. 2d. Are you acquainted with the current market prices of wine in Bordeaux, and did you know them as they existed on the 13th day of November, 1865?

Answer. I am acquainted with the prices of wines of that date.

Int. 3d. If you answer the preceeding question affirmatively, look at the annexed copy of the invoice marked T. B. B. Jr., and state if the prices of the wines therein quoted were the current market prices of such wines at Bordeaux on the 13th of November, 1865, or at any time previous?

(The witness is here shown the invoice marked T. B. B. Jr., annexed.)

Ans. This invoice contains the true market value of the wines herein named at the date it bears.

Int. 4th. Are you acquainted with Treyeran Freres? if so, state their standing and reputation.

Ans. I have known Messrs. Treyeran Freres a long time; their reputation as merchants is irreproachable.

35 Int. 5th. Do you know of anything else that would be of benefit to the claimant in this suit, who is charged with having falsely and fraudulently undervalued the wines mentioned in the aforegoing invoice with the intent of avoiding some part of the duties lawfully chargeable thereon? Please state the same as fully as if thereto specially interrogated.

Ans. Their character is so honorable, that I would not credit that they would be capable of doing what is imputed them in this question.

Cross-interrogatories:

Cross int. 1st. What is your name, age, and occupation? In whose employ are you; and in what capacity? Are you engaged in shipping wines to the United States?

Ans. My name is Emile Leroy; I am thirty-seven years old; and by occupation a sworn wine-broker; I am not engaged in shipping wines, which would be in violation of the laws of France under my license as broker.

Cross-int. 2d. Do you know the particular wine libelled in this suit; did you ever examine the particular wine libelled in this suit? Do
36 you know of your knowledge where the particular wine libelled herein was manufactured?

Ans. I have no personal knowledge of this wine libelled in question. I have never tasted or examined them; I don't know where they were manufactured.

Cross-int. 3d. Who was the first owner of the wine libelled herein, before it was bottled? if you state that any other person than T. Bailly Blanchard, j'r, claimant, was the first owner, state if you were present when T Bailly Blanchard, j'r, purchased the wine?

Ans. I have no knowledge whatever as to the ownership of this wine.

Cross-int. 4th. Do you know of your own personal knowledge anything about the actual market value of the particular wine libelled herein, except from the books of Treyeran Freres, claimants?

Ans. I am personally familiar with the prices of wine as wine-broker, and keep myself posted as to the correct market value, as I am engaged in buying them for merchants and receive a commission for my services.

37 (Signed) EMILE LEROY.

The aforegoing having been read over to the witness, he subscribed the same in my presence this 24th day of October, 1866.

(Signed) WM L. GLEESON,
Commissioner.

The next witness produced was JAMES CESSAT, J'R, on the part of the defendant, who was unable to understand the English language, and Mr. Francis Hiver was sworn to interpret the evidence of the witness. The witness was thereupon duly sworn, and deposed as follows:

Int. 1. Please state your age, residence, and occupation, and how long you have resided in Bordeaux.

Ans. My age is fifty-five; I reside in Bordeaux, and have resided here for thirty-five years; I am by profession wine merchant.

Int. 2. Are you acquainted with the current market prices of wines at Bordeaux, and did you know them as they existed on the 13th day of November, 1865?

Ans. I am well acquainted with the current prices of wines at Bordeaux, and knew them at the date in question.

38 Int. 3d. If you answer the preceeding question affirmatively, look at the annexed copy of the invoice marked T. B. B. Jr., and state if the prices of the wines therein quoted were the market price of such wines at Bordeaux on the 13th day of November, 1865, or at any time previous.

(The invoice is here handed to the witness, and he examines it.)

Ans. This invoice is true; the prices here quoted were the actual market value at that time, and these five hundred cases marked St. Macaire were sold by me to Messrs. Treyeran, at the rate of four francs and ninety centimes, less three per cent. discount for cash payment.

Int. 4. Are you acquainted with Treyeran Freres; if so, state their standing and reputation.

Ans. I am acquainted with this firm, and am able to say that their commercial character and standing is highly honorable.

Int. 5. Do you know of anything else that would be of benefit to the claimant in this suit, who is charged with having falsely and fraudulently undervalued the wines mentioned in the aforegoing

39 invoice, with the intent of avoiding some part of the duties lawfully chargeable thereon? Please state the same as fully as if specially thereto interrogated.

Ans. I do not believe that Messrs. Treyeran Freres would be guilty of such an act as fraud, and I can but repeat that the invoice before handed me and examined is in all respects true; since I have sold the number of cases before stated in my answer, I have sold the same firm other lots of the said wine upon the same terms.

Cross-interrogatories:

Cross-int. 1. What is your name, age, and occupation? In whose employ are you? In what capacity? Are you engaged in shipping wines to the United States?

Ans. My name is James Cessat, j'r; I am fiftty-five years old; am a wine merchant, and have occasionally shipped wines to the United States on my own account.

Cross-int. 2d. Do you know the particular wines libelled in this suit? Did you ever examine and taste the particular wines libelled

40 herein? Do yout know of your own knowledge where the wine libelled herein was manufactured?

Ans. My knowledge of this particular wine extends only to the five

hundred cases that I disposed of to the Messrs. Treyeran, which were prepared by myself.

Cross-int. 3d. Who was the first owner of the wine libelled herein, before it was bottled? If you state that any other person than T. Bailly Blanchard, j'r, claimant, was the first owner, state if you were present when T. Bailly Blanchard, j'r, claimant, purchased the same.

Ans. I can, in answer to this question, but repeat what I have already said, that I know nothing about any of the wine libelled, except that sold by myself.

Cross-int. 4th. Do you know, of your own personal knowledge, anything about the actual market value of the particular wine libelled herein, except from the books of Treyeran Freres?

Ans. My information as to the value of this wine is personal, and not from the books of this firm; I have never examined their books.

(Signed) J. CESSAT, J'R.

The aforegoing having been first read over to the witness, he
41 subscribed the same in my presence this 24th day of October, 1866.

(Signed) W'M L. GLEESON,
Commissioner.

The commission at this stage adjourned till Tuesday, October 30th instant.

The commission met this 30th day of October to continue the examination.

Present, Mr. Bernard Treyeran, of Bordeaux, claimant.

Mr. TREYERAN was duly sworn, and deposed as follows:

Int. 1st. Please state your age, residence, and occupation, and how long you have resided in Bordeaux.

Ans. My name is Bernard Treyeran, principal of the firm of Treyeran Freres; I am forty-eight years old, and reside in Bordeaux; I am a wine and general commission merchant; have resided in Bordeaux for the last thirty-eight years.

Int. 2nd. Are you acquainted with the current market prices of wine at Bordeaux, and did you know them as they existed on the 13th of November, 1865?

Ans. I am well acquainted with the current prices of wines at
42 Bordeaux, and know well what they were at the specified date.

Int. 3d. If you answer the preceeding question affirmatively look at the annexed copy of the invoice marked T. B. B. Jr., and state if the prices of the wines therein quoted were the current market prices of such wines at Bordeaux on the 13th day of November, 1865, or at any time previous.

(The witness is here handed the invoice marked as above, and examines it and answers:)

Ans. I am sure that the prices quoted on said invoice are perfectly correct, and rather over than under the market value at that date.

Int. 4th. Are you acquainted with Treyeran Freres? and if so, state their standing and reputation.

(This question is omitted, as the witness is the person referred to.)

Int. 5th. Do you know of anything else that would be of benefit to the claimant in this suit, who is charged with having falsely and fraudulently undervalued the wines mentioned in the aforegoing invoice with

the intent of avoiding some part of the duties lawfully chargeable thereon? Please state the same as fully as if thereto specially interrogated.

43 Ans. I do know several things; but before mentioning them I would respectfully but earnestly protest against the charge made against our house, as it is utterly without foundation and unjust. The wines produced in districts known as St. Macaire, St. Sulspice, St. Laubes, St. André, Ambes, and other similar wine districts are rightly classed in Bordeaux among the most common wines we have, and these are often mixed with other, cheaper still—red and white wines—forming, as a mixture, what is termed vin de carjaison, or cargo wine. The profit on such wines is small, and generally amounts to a commission. The wines mentioned in this invoice, although perfectly wholesome, were nevertheless cargo wines. The St. Macaire was bought by us from Mr. James Cessat, j'r, at the rate of four francs and ninety centimes, delivered on board, less 3 per cent. discount for cash payment, thus reducing the actual cost to four francs and seventy-six centimes per case.

44 We invoiced it at four francs and ninety centimes without discount, and adding to that invoice our usual commission of two and a half per cent. that wine was therefore invoiced by us at five and a half per cent. above the actual current market price or cost. The other wines were prepared by our house, and their cost was about six per cent. less than the prices quoted in said invoice. And in illustration we exhibit the bills of purchase of this wine. (The witness makes exhibit of his bills and proceeds.) We likewise state that we bought from Mr. James Cessat, j'r, one thousand cases of St. Laubes for four francs and ninety centimes per case, less three per cent. discount, and that purchase was made on the twenty-sixth day of February, 1866. The tickets or marks Jules Vinard & Co., are never used by us except for common wines.

Cross-interrogatories:

Cross-int. 1st. What is your name, age, and occupation; in whose employ are you; in what capacity; are you engaged in shipping wines to the United States?

Ans. My name is Bernard Treyeran; I am forty-eight years of age, and a wine and general commission merchant. I am engaged in

45 shipping wines to the United States.

Cross-int. 2d. Do you know the particular wines libelled in this suit? Did you ever examine and taste the particular wines libelled herein? Do you know of your own knowledge where the wine libelled herein was manufactured?

Ans. I have examined and tasted the wine libelled in this suit. The wine marked St. Macaire was prepared by Mr. James Cessat, j'r, and the others by our house.

Cross-int. 3d. Who was the first owner of the wine libelled herein before it was bottled? If you state that any other person than T. Bailly Blanchard, j'r, claimant, was the first owner, state if you were present when T. Bailly Blanchard, j'r, purchased the wine.

Ans. Mr. James Cessat, j'r, was the first owner of the St. Macaire before it was bottled, and our firm was the owner of the other wines. Mr. T. B. Blanchard, j'r, purchased these wines of our firm on a written order.

Cross-int. 4th. Do you know, of your own personal knowledge,

46 anything about the actual market value of the particular wine libelled herein, except by the books of Treyeran Freres, claimants?

Ans. I do. I am satisfied that the wines were invoiced at their actual market value, and, as I have said, rather above than below, if anything.
(Signed) RY. TREYERAN.

The aforegoing was read over to the witness, and he subscribed the same in my presence this 30th day of October, 1866.
(Signed) W'M L. GLEESON,
Commissioner.

The claimant, Mr. Treyeran, here stated to the commissioner that he would call no additional witnesses, and the commission thereupon adjourned without day.

U. S. CONSULATE,
Bordeaux, October 30th, 1866.

I do hereby certify that, agreeably with the appointment of the honorable the district court of the United States in and for the eastern district of Louisiana, I caused to come before me the witnesses named in the aforegoing record, and them examined on oath touching the
47 matter pending in said court as aforesaid; that the foregoing contains a full and accurate record of the proceedings had by me under said commission, and I do hereby transmit the same, with the writ, conformably to the direction of said honorable court, under my hand and seal this 30th day of October, 1866.
[SEAL.] (Signed) W'M L. GLEESON,
Commissioner.

Order, cause fixed for trial.—Extract from the minutes of 18th May, 1868.

UNITED STATES
vs. } No. 8382.
1050 CASES RED WINE.

On motion of S. H. Torrey, U. S. attorney, it is ordered that the above cause be fixed for hearing on Monday, 25th instant, at 11 a. m., and that the claimant be notified thereof.

Notice of trial.—Issued May 18th, 1868.

United States district court, district of Louisiana.

UNITED STATES
48 *vs.* } No. 8382.
1050 CASES OF WINE, M'K'D T. B. B., JR., 735–764.

To SCHMIDT & FISSOT, Esq's.

You are hereby notified that the above cause has been assigned to trial on Monday, the 25th day of May, 1868, at 11 a. m.
By order of court.
New Orleans, May, 1868.
[SEAL.] (Signed) CHA'S CLAIBORNE, *Clerk.*

Marshal's return.

Received May 19th, 1868, by the U. S. marshal, and on 20th day of

May, 1868, served copy of within notice on Schmidt & Fissot, atty's named herein, in hands of G. Schmidt, a member of said firm, personally, at office, 57 Royal street, in this city.

New Orleans, May 20th, 1868.

(Signed) S. W. REED.
D'y U. S. Marshal.

Order as to cause being tried.—Extract from the minutes of 22d May, 1868.

UNITED STATES
vs.
49 1050 CASES RED WINE. } No. 8382.

On motion of the U. S. attorney it is ordered that the above-numbered case be taken up as the first case instead of No. 8383, and that the trial of the wine cases begin on the 26th instant instead of the 25th instant.

Amended libel.—Filed May 22nd, 1868.

UNITED STATES OF AMERICA,
District of Louisiana:

District court.

UNITED STATES
vs.
TEN HUNDRED AND FIFTY CASES OF RED WINE, marked T. B. B., Jr., 735–764. } No. 8382.

Further amendments to libel.

And now come again the United States, by Samuel H. Torrey, esq., their authorized attorney, and, by leave of the court first had and obtained, further amend their libel herein by adding thereto the following additional counts:

Second additional count:

For that heretofore, to wit, on the 16th day of November, A. D.
50 1865, at Bordeaux, in the empire of France, R'y Treyeran, claiming to be the owner, and acting for the owner of (1050) ten hundred and fifty cases of red wine, marked T. B. B., Jr., 735–764, (and which said goods and merchandise were subject to an ad valorem duty on being imported into the United States,) and designing and intending to import the same into the United States, and to make entry thereof at the port of New Orleans, in the United States of America, made and signed, using the name and style of Treyeran Freres, an invoice of the said goods and merchandise, and, before the shipment thereof, produced such invoice to the consul of the United States nearest the place of shipment, with a declaration thereon endorsed, and signed by said R'y Treyeran, that said invoice contained the market value of the said goods and merchandise at the time and place, when and where the same were procured or manufactured; whereupon the said consul endorsed upon said invoice and declaration a certificate, as required by law. And afterwards, to wit, on or about the 16th day of November, A. D. 1865, the owner thereof, using the style of Treyeran Freres,
51 shipped the said goods and merchandise at the port of Bordeaux, in the empire of France, consigned to T. Bailly Blanchard, j'r, at

New Orleans aforesaid, and forwarded to said consignee the said invoice, with the aforesaid declaration endorsed thereon; that afterwards, to wit, on the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States by the owner thereof, and arrived at the said port of New Orleans in and by the ship or vessel called the "Rival," from a foreign port, to wit, from Bordeaux, in the empire of France; and afterwards, to wit, on or about the day and year last aforesaid the said T. Bailly Blanchard, j'r, consignee as aforesaid of said goods and merchandise, acting in behalf and for the owner thereof, attempted to make, and did make, an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid, and, on such entry, produced and left with said collector the said invoice so made and produced to said consul as aforesaid, with the said declaration of the said Treyeran so as aforesaid endorsed
52 thereon, as the true and genuine invoice of the said goods and merchandise, and represented that the same exhibited the fair market value of said goods and merchandise at the time and place, when and where the same were procured. Whereas, in truth and in fact, the said invoice, so produced as aforesaid by said Treyeran to said consul, and the declaration thereon endorsed, were and are false and fraudulent, and did not state or contain a true and full statement of the actual market value of the said goods and merchandise at the time and place, when and where the same were procured or manufactured; but, on the contrary, the said R'y Treyeran well knew that said invoice was false, and that the market value of the said goods and merchandise was much greater than the sums and prices stated in the said invoice. And the said T. Bailly Blanchard, j'r, consignee as aforesaid, so acting in behalf and for said owner as aforesaid at the time of presenting said invoice, and attempting to enter, and entering said goods and merchandise at said office of the collector of customs as aforesaid, well
53 knew that the said invoice was false and fraudulent, and that the market value of the said goods and merchandise was much greater than the sums and prices mentioned in said invoice at the time and place, when and where the same were procured. And the said attorney for the United States says that the said owner and consignee of said goods and merchandise did knowingly attempt to make, and knowingly did make, an entry of said goods and merchandise at the time and place aforesaid, by means of a false invoice, and of a false certificate of the said consul, so fraudulently procured as aforesaid, and of an invoice that did not contain a true statement of all the particulars required by law, and of a false declaration so made before said consul, and endorsed on said invoice as aforesaid with a fraudulent design, to evade some part of the duties lawfully chargeable thereon, whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States.

Third additional count.

54 And for that heretofore, to wit, on the 16th day of November, A. D. 1865, at Bordeaux, in the Empire of France, R'y Treyeran, claiming to be the owner, and acting for the owner of the goods and merchandise in the last count described, (and which said goods and merchandise were subject to an ad valorem duty on being imported into the United States,) and designing and intending to import the same into the United States, and to make entry thereof at the port of New Orleans, in the United States of America, using the style of Treyeran Freres, made and signed an invoice of said goods and merchandise; and, before the shipment thereof, produced such invoice to the consul of the United

States nearest the place of shipment, with a declaration endorsed thereon and signed by said R'y Treyeran, among other things, stating that said invoice was in all respects true; whereupon said consul endorsed upon said invoice and declaration a certificate as required by law. And afterwards, to wit, on or about the said 16th day of November, A. D. 1865, the owner of said goods and merchandise, under the name and style of Treyeran Freres, shipped the same at the port of Bordeaux, in the Empire of France, consigned to T. Bailly Blanchard, jr., by the style of
55 Th re Bailly Blanchard, jr., at New Orleans aforesaid, and forwarded to said consignee the said invoice with the aforesaid declaration endorsed thereon. And afterwards, to wit, on or about the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States by the owner aforesaid, and arrived at said port of New Orleans in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France. And afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, jr., consignee as aforesaid of said goods and merchandise, attempted to make, and did make, an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid, and on such attempt and entry produced and left with said collector the said invoice so made and produced to said consul as aforesaid, with the said declaration of said R'y Treyeran so as aforesaid endorsed
56 thereon as the true and genuine invoice of said goods and merchandise. And the said attorney for the United States says that, in truth and in fact, the said invoice as produced as aforesaid by said Treyeran to said consul, and the declaration thereon endorsed, were, and are, false and fraudulent, and did not state or contain a true description of the said goods and merchandise so shipped and imported under said invoice and declaration; but, on the contrary, the owner well knew that the said invoice was false, and that the said goods and merchandise were other and different goods and merchandise than as described and represented in the said invoice, and the said T. Bailly Blanchard, jr., consignee, as aforesaid at the time of presenting said invoice and attempting to enter and entering said goods and merchandise at the said office of said collector of customs well knew that the said invoice and said declaration were false and fraudulent; and so the said attorney for the United States says that *that* the said owner and consignee of the
57 said goods and merchandise did knowingly attempt to make, and knowingly did make, an entry of the said goods and merchandise at the time and place aforesaid, by means of a false invoice, and of a false certificate of said consul, so fraudulently procured as aforesaid, and of an invoice which did not contain a true statement of all the particulars required by law and of said false declaration so made before said consul and endorsed on said invoice as aforesaid. Whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States.

Fourth additional count. And for that also heretofore, to wit, on the 13th day of November, A. D. 1865, at Bordeaux, in the Empire of France, Treyeran Freres made and signed an invoice of the said goods and merchandise above in the foregoing counts mentioned and described, (and which goods and merchandise were then and there subject to an ad valorem duty on being imported into the United States,) for the purpose of the importation of the same into the United States, and of
58 the entry thereof, at the port of New Orleans, in the said United States; and, before the shipment thereof, to wit, on or about the 16th day of November, A. D. 1865, one R'y Treyeran produced such in-

New Orleans aforesaid, and forwarded to said consignee the said invoice, with the aforesaid declaration endorsed thereon; that afterwards, to wit, on the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States by the owner thereof, and arrived at the said port of New Orleans in and by the ship or vessel called the "Rival," from a foreign port, to wit, from Bordeaux, in the empire of France; and afterwards, to wit, on or about the day and year last aforesaid the said T. Bailly Blanchard, j'r, consignee as aforesaid of said goods and merchandise, acting in behalf and for the owner thereof, attempted to make, and did make, an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid, and, on such entry, produced and left with said collector the said invoice so made and produced to said consul as aforesaid, with the said declaration of the said Treyeran so as aforesaid endorsed
52 thereon, as the true and genuine invoice of the said goods and merchandise, and represented that the same exhibited the fair market value of said goods and merchandise at the time and place, when and where the same were procured. Whereas, in truth and in fact, the said invoice, so produced as aforesaid by said Treyeran to said consul, and the declaration thereon endorsed, were and are false and fraudulent, and did not state or contain a true and full statement of the actual market value of the said goods and merchandise at the time and place, when and where the same were procured or manufactured; but, on the contrary, the said R'y Treyeran well knew that said invoice was false, and that the market value of the said goods and merchandise was much greater than the sums and prices stated in the said invoice. And the said T. Bailly Blanchard, j'r, consignee as aforesaid, so acting in behalf and for said owner as aforesaid at the time of presenting said invoice, and attempting to enter, and entering said goods and merchandise at said office of the collector of customs as aforesaid, well
53 knew that the said invoice was false and fraudulent, and that the market value of the said goods and merchandise was much greater than the sums and prices mentioned in said invoice at the time and place, when and where the same were procured. And the said attorney for the United States says that the said owner and consignee of said goods and merchandise did knowingly attempt to make, and knowingly did make, an entry of said goods and merchandise at the time and place aforesaid, by means of a false invoice, and of a false certificate of the said consul, so fraudulently procured as aforesaid, and of an invoice that did not contain a true statement of all the particulars required by law, and of a false declaration so made before said consul, and endorsed on said invoice as aforesaid with a fraudulent design, to evade some part of the duties lawfully chargeable thereon, whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States.

Third additional count.

54 And for that heretofore, to wit, on the 16th day of November, A. D. 1865, at Bordeaux, in the Empire of France, R'y Treyeran, claiming to be the owner, and acting for the owner of the goods and merchandise in the last count described, (and which said goods and merchandise were subject to an ad valorem duty on being imported into the United States,) and designing and intending to import the same into the United States, and to make entry thereof at the port of New Orleans, in the United States of America, using the style of Treyeran Freres, made and signed an invoice of said goods and merchandise; and, before the shipment thereof, produced such invoice to the consul of the United

States nearest the place of shipment, with a declaration endorsed thereon and signed by said R'y Treyeran, among other things, stating that said invoice was in all respects true; whereupon said consul endorsed upon said invoice and declaration a certificate as required by law. And afterwards, to wit, on or about the said 16th day of November, A. D. 1865, the owner of said goods and merchandise, under the name and style of Treyeran Freres, shipped the same at the port of Bordeaux, in the Empire of France, consigned to T. Bailly Blanchard, jr., by the style of
55 Th re Bailly Blanchard, jr., at New Orleans aforesaid, and forwarded to said consignee the said invoice with the aforesaid declaration endorsed thereon. And afterwards, to wit, on or about the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States by the owner aforesaid, and arrived at said port of New Orleans in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France. And afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, jr., consignee as aforesaid of said goods and merchandise, attempted to make, and did make, an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid, and on such attempt and entry produced and left with said collector the said invoice so made and produced to said consul as aforesaid, with the said declaration of said R'y Treyeran so as aforesaid endorsed
56 thereon as the true and genuine invoice of said goods and merchandise. And the said attorney for the United States says that, in truth and in fact, the said invoice as produced as aforesaid by said Treyeran to said consul, and the declaration thereon endorsed, were, and are, false and fraudulent, and did not state or contain a true description of the said goods and merchandise so shipped and imported under said invoice and declaration; but, on the contrary, the owner well knew that the said invoice was false, and that the said goods and merchandise were other and different goods and merchandise than as described and represented in the said invoice, and the said T. Bailly Blanchard, jr., consignee, as aforesaid at the time of presenting said invoice and attempting to enter and entering said goods and merchandise at the said office of said collector of customs well knew that the said invoice and said declaration were false and fraudulent; and so the said attorney for the United States says that *that* the said owner and consignee of the
57 said goods and merchandise did knowingly attempt to make, and knowingly did make, an entry of the said goods and merchandise at the time and place aforesaid, by means of a false invoice, and of a false certificate of said consul, so fraudulently procured as aforesaid, and of an invoice which did not contain a true statement of all the particulars required by law and of said false declaration so made before said consul and endorsed on said invoice as aforesaid. Whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States.

Fourth additional count. And for that also heretofore, to wit, on the 13th day of November, A. D. 1865, at Bordeaux, in the Empire of France, Treyeran Freres made and signed an invoice of the said goods and merchandise above in the foregoing counts mentioned and described, (and which goods and merchandise were then and there subject to an ad valorem duty on being imported into the United States,) for the purpose of the importation of the same into the United States, and of
58 the entry thereof, at the port of New Orleans, in the said United States; and, before the shipment thereof, to wit, on or about the 16th day of November, A. D. 1865, one R'y Treyeran produced such in-

voice to the consul of the United States nearest the place of shipment, with a declaration thereon endorsed and signed by said R'y Treyeran, in and by which said declaration said R'y Treyeran then and there, among other things, declared that he was the owner of the said goods and merchandise in the said invoice mentioned and described; that the said invoice was in all respects true; that it contained a full and true statement of the actual market value of said goods and merchandise at the time and place, when and where the same were manufactured or procured; that no invoice, different from the one then and there produced, had been, or would be, furnished to any one, and that it was intended to make entry of said goods and merchandise at the port of New Orleans, in the United States of America; whereupon the said consul endorsed upon said invoice and declaration a certificate as required by law. And afterwards, to wit, on or about the said 16th
59 day of November, A. D. 1865, the said goods and merchandise were shipped at the port of Bordeaux, in the Empire of France, consigned to one T. Bailly Blanchard, jr., at New Orleans aforesaid, and the said invoice was forwarded to said consignee with the aforesaid declaration endorsed thereon. And afterwards, to wit, on or about the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States by the owner thereof, and arrived at the said port of New Orleans, in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France. And afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, jr., consignee as aforesaid of said goods and merchandise, attempted to make knowingly, and knowingly did make, an entry of the same at the office of the collector of customs, at the port of New Orleans aforesaid, and on such attempt and entry, produced and left with the said collector the said invoice so made and produced to said consul as aforesaid, with the said declaration
60 of said R'y Treyeran, so, as aforesaid, endorsed thereon as the true and genuine invoice of said goods and merchandise; but, on making such attempt and such entry, the owner of said goods and merchandise knowingly wholly neglected and failed, by the oath of affirmation of either himself or his consignee or of the authorised agent of the owner or consignee of said goods and merchandise, to certify that the said invoice and the declaration thereon were true, and were made by the person or persons, by whom the same purported to have been made as by law required. And the said T. Bailly Blanchard, jr., consignee as aforesaid, at the time of presenting said invoice and attempting to enter and entering said goods and merchandise at the office of the collector of customs aforesaid, well knew that the said invoice was not verified as required by law. And so the said attorney for the United States says that the said T. Bailly Blanchard, jr., consignee of the said goods and merchandise, did, at the time and place last aforesaid,
61 knowingly attempt to make, and knowingly did make, an entry of the said goods and merchandise at the office of the said collector of customs as aforesaid, by means of an oath or affirmation, which did not contain a statement that said invoice and the declaration thereon were true, and by means of a fraudulent entry or paper and of a fraudulent practice or appliance. Whereby and by reason whereof the said goods and merchandise became, and are forfeited to the United States.

Fifth additional count. And also for that heretofore, to wit, on the 16th day of November, A. D. 1865, at Bordeaux, in the Empire of France, one T. Bailly Blanchard, jr., became and was the purchaser of the goods and merchandise above in the foregoing counts mentioned

and described, having procured the same by purchase, (and which said goods and merchandise were subject to an ad valorem duty on being imported into the United States,) designing and intending to import the same into the United States and to make entry thereof at the
62 port of New Orleans. And afterwards, to wit, on or about the same 16th day of November, A. D. 1865, to wit, at Bordeaux, in the Empire of France, Treyeran Freres made and signed an invoice of the said goods and merchandise; and, before the shipment thereof, R'y Treyeran produced such invoice to the consul of the United States nearest the place of shipment, with a declaration endorsed thereon and signed by said R'y Treyeran, stating among other things, that he, said R'y Treyeran, was the owner of the said goods and merchandise in the said invoice mentioned and described; that the said invoice contained a full and true statement of the actual market value of the said goods and merchandise; that no invoice different from the one then so produced had been or would be furnished to any one and that it was intended to make entry of the said goods and merchandise at the port of New Orleans, in the United States of America, but no other or different invoice or declaration was produced to the said consul at or before the
63 shipment of the said goods and merchandise; nor did the said T. Bailly Blanchard, jr., or his agent or any shipper or any one else for him, make or sign or cause to be made or signed any other or different invoice of the said goods and merchandise, or make or produce to the said consul any other or different declaration endorsed on any invoice of said goods and merchandise at or before the shipment thereof; nor did the said Blanchard or his agent or any shipper or any one else for said Blanchard produce to the said consul at or before the shipment of the said goods and merchandise any invoice thereof with a declaration endorsed thereon setting forth, that it, such invoice, contained a full and true statement of the time when and the place where the said goods and merchandise were purchased, and the actual cost thereof, and of all charges thereon, nor any invoice thereof with a declaration endorsed thereon containing a statement that the currency in which such invoice was made out, was the currency which was actually
64 paid for said goods and merchandise by the purchaser; and the said consul upon the production to him of said invoice by said R'y Treyeran with said declaration so as aforesaid endorsed thereon, signed by said R'y Treyeran as aforesaid, endorsed upon said invoice and declaration a certificate as required by law in such cases. And afterwards, to wit, on or about the said 16th day of November, A. D. 1865, the said goods and merchandise were shipped at the port of Bordeaux, in the Empire of France, consigned to said T. Bailly Blanchard, jr., at New Orleans aforesaid, and the said invoice with the aforesaid declaration thereon endorsed was forwarded to said Blanchard, consignee as aforesaid. And afterwards, to wit, on or about the 1st day of February, A. D. 1866, the said goods and merchandise were imported into the United States and arrived at the said port of New Orleans, in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France. And afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, jr., purchaser and consignee as aforesaid of said goods and merchandise, attempted to
65 make and did make an entry of the same at the office of the collector of customs of the port of New Orleans aforesaid; and, on making such attempt and such entry, produced and left with said collector of customs the said invoice so made and produced to said consul as aforesaid with the said declaration of said R'y Treyeran so as afore-

said endorsed thereon as the true and genuine invoice of said goods and merchandise, and represented that he did not know or believe in the existence of any other invoice or bill of lading of said goods and merchandise than that so produced by him, by means of which said invoice and the said declaration thereon endorsed and of the said representations, the said T. Bailly Blanchard, jr., consignee, purchaser, and owner as aforesaid, at said time, knowingly did attempt to make, and knowingly did make and effect, an entry of said goods and merchandise in the office of said collector of customs of the said port of New Orleans, in the United States of America aforesaid. And the said Blanchard at the time of presenting said invoice and declaration and of
66 making such attempt and entry well knew that the said invoice and declaration were fraudulent. And so the said attorney for the United States says that the said T. Bailly Blanchard, jr., owner by purchase as aforesaid, and consignee as aforesaid of said goods and merchandise, did knowingly attempt to make, and knowingly did make, an entry of said goods and merchandise at the time and place aforesaid, by means of a fraudulent invoice and of a false certificate of said consul so fraudulently procured as aforesaid, and of an invoice which did not have a declaration endorsed thereon containing all the particulars required by law, and of a false and fraudulent declaration so made before said consul and endorsed on said invoice as aforesaid. Whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States.

Sixth additional count. And for that also, heretofore, to wit, on or about the 13th day of November, A. D. 1865, at Bordeaux, in the Empire of France, Treyeran Freres made and signed an invoice of the
67 said goods and merchandise in the foregoing counts mentioned and described, and which goods and merchandise were subject to an ad valorem duty on being imported into the United States. And afterwards, to wit, on or about the 16th day of November, A. D. 1865, one R'y Treyeran, designing and intending to import the said goods and merchandise into the United States, and to make entry thereof at the port of New Orleans, before the shipment of said goods and merchandise, produced such invoice to the consul of the United States nearest the place of shipment, with a declaration endorsed thereon and signed by said R'y Treyeran, setting forth that he (the said R'y Treyeran) was the owner of the goods and merchandise in the said invoice mentioned & described, and that the said invoice was in all respects true, and contained a full and true statement of the actual market value of the said goods and merchandise at the time and place when and where the same were manufactured or procured, whereupon the said consul endorsed upon said invoice and declaration a certificate as required by
68 law. And afterwards, to wit, on or about the said 16th day of November, A. D. 1865, the said goods and merchandise were shipped at the said port of Bordeaux, in the Empire of France, consigned to T. Bailly Blanchard, jr., at New Orleans aforesaid, and the said invoice, with the aforesaid declaration endorsed thereon, was forwarded to the said consignee. And afterwards, to wit, on or about the 1st day of February, A. D. 1866, the said goods & merchandise were imported into the United States, and arrived at the said port of New Orleans in and by the ship or vessel called the Rival, from a foreign port, to wit, from Bordeaux, in the Empire of France. And afterwards, to wit, on or about the day and year last aforesaid, the said T. Bailly Blanchard, jr., consignee as aforesaid of said goods and merchandise, attempted to make, and did make, an entry of the same at the office of the collector of cus-

toms of the port of New Orleans, in the United States of America aforesaid; and, on such attempt to make such entry and on such entry, produced and left with said collector of customs the said invoice so
69 made and produced to said consul as aforesaid, with the said declaration of and by said R'y Treyeran so as aforesaid endorsed thereon, as the true and genuine invoice of said goods and merchandise, and represented that the same was the true and only invoice received by him of the said goods and merchandise. And the said attorney for the United States says that the said R'y Treyeran, who so as aforesaid produced the said invoice to the said consul with the said declaration endorsed thereon and signed by him, said R'y Treyeran, was not, neither at the said production of said invoice to said consul nor at the date of signing said declaration, the owner of the said goods and merchandise, nor were the said Treyeran Freres at the said time or times the owners thereof; and the said invoice so produced as aforesaid by said R'y Treyeran to said consul, and the said declaration thereon endorsed, were and are false and fraudulent, and were not, nor were either of them, signed by the owner of the said goods and merchandise; but, on the contrary, the said R'y Treyeran and the said Treyeran Freres well knew that
70 the said invoice was false and not signed by the owner or owners of said goods and merchandise, and that said declaration was false and fraudulent, and that said R'y Treyeran was not the owner of said goods and merchandise as therein set forth. And the said T. Bailly Blanchard, jr., consignee as aforesaid of the said goods and merchandise, at the time of presenting said invoice and attempting to enter and entering said goods and merchandise at the said office at the collector of customs as aforesaid, well knew that the said invoice and said declaration were so false and fraudulent as aforesaid. And so the said attorney for the United States says that the said consignee of said goods and merchandise did knowingly attempt to make, and knowingly did make, an entry of said goods and merchandise at the time and place aforesaid, by means of a false and fraudulent invoices and of a false certificate of said consul, so fraudulently procured as aforesaid, and of an invoice which was not signed by the owner of the said goods and mer-
71 chandise, and of said false declaration so made before said consul and endorsed on said invoice as aforesaid, and of a false and fraudulent practice and appliance. Whereby and by reason whereof the said goods and merchandise became and are forfeited to the United States. Wherefore the attorney for the United States prays as in the original libel is already prayed, &c.

(Signed) SAM. H. TORREY,
U. S. Att'y.

Order.

Let this amended libel be filed.
May 22nd, 1868.
(Signed) E. H. DURELL, *Judge.*

Service accepted. N. O., May 23rd, 1868.
(Signed) J. L. TISSOT,
For G. Schmidt and myself, Attorneys.

Affidavit for a commission.—Filed November 17th, 1868.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

72 Theodore Bailly Blanchard, jr., claimant in the above suit, declares on oath that the testimony of B. Treyeran, R. Treyeran, J. E. Loreilhe, J. Lacosse are material witnesses for him to establish the facts necessary to defend him on the issues made on the amended libel filed in the above case, and that without their testimony he cannot safely go to trial. Wherefore he prays that a commission to the American consul, vice-consul, or commercial agent residing in Bordeaux, France, authorizing either of them to take the testimony of the beforenamed witnesses, and that ninety days be allowed him for the return of said commission.

(Signed) J. BAILLY BLANCHARD, JR.

Sworn to and subscribed before me November 17th, 1868.

(Signed) CHA'S CLAIBORNE,
U. S. Comm'r.

Order for a commission.—Extract from the minutes of 17th November, 1868.

UNITED STATES.
vs.
1050 CASES OF WINE. } No. 8382.

73 On motion of Tissot & Schmidt, attorneys for T. B. Blanchard, jr., claimant in the above case, and on filing affidavit, ordered that a commission issue herein, addressed to the American consul, vice-consul, or commercial agent residing at Bordeaux, France, to take the depositions of B. Treyeran, R. Treyeran, J. E. Loreilhe, and J. Lacosse, returnable within 90 days.

Default on amended libel.—Extracts from the minutes of 30th November, 1868.—No. 8382.

On motion of S. H. Torrey, U. S. attorney, and on showing to the court that the claimant in the above case has failed to answer the amended libel, although duly cited, it is ordered that judgment by default be entered against him.

Order.—Default set aside.—Extract from the minutes of 1st December, 1868.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

74 On motion of J. L. Tissot, proctor for the claimant in the above case, ordered that the default herein entered on yesterday be set aside, and that he have leave to file his answer to the amended libel.

Answer to amended libel.—Filed December 2nd, 1868.

United States of America in the district court for the district of Louisiana.

UNITED STATES
vs.
1050 CASES OF RED WINE, MARKED T. B. B., JR. } No. 8382.

Answer to amended libel.

And now appear before this honorable court and for answer to the amended libel of the United States against the property herein proceeded against, and against all persons intervening for their interest in the same, allege and propound as follows:

I. Your respondent admits the making, signing, and production of said invoice to the consul of the United States, as in said amended libel set forth and detailed, and the declaration that the same con-
75 tained the actual market value thereof at the time and place when and where the said goods, wares, etc., were procured or manufactured, and the endorsement on said invoice and declaration of the certificate required by law by said consul; and that said goods, wares, and merchandise were shipped and consigned at the date and to the person mentioned in said amended libel; that the same afterwards arrived at said port, in said vessel, at the date therein set forth, and that due entry of said goods, wares, etc., at the office of the collector of customs was made at said time by said agent for said owner and upon said invoice and declaration, as the true and genuine invoice thereof, representing that the same contained a true and full statement of the actual market value of said goods, wares, and merchandise at the time and place when and where the same were produced. Your respondent avers that said invoice and said declaration thereon are true and correct, and that the same contains a true and full statement of the actual market value of said goods, wares, etc., at the time and place when and where the same were produced or manufactured; that
76 the allegation and charge that the same is false and fraudulent, and that the market value of said goods, wares, and merchandise was much greater than the prices or sums mentioned in said invoice, at the time and place when and where the same were procured, and that said Treyeran Freres, the former owners, and T. Bailly Blanchard, jr., the actual owner thereof, and T. Bailly Blanchard, jr., said consignee, knew the same to be false and fraudulent, is altogether untrue.

II. And reiterating each and every fact, allegation, and ground of defence set forth in the first count hereof, your respondent further avers that said invoice produced as aforesaid by said to said consul, and the declaration endorsed thereon were and are not as charged in the amended libel, false and fraudulent, but the same were and are correct, and contain a true description of said goods and merchandise so shipped and imported under said invoice and declaration; and it is untrue, as charged, and said owner did not know that said invoice and
77 declaration were false, and that said goods and merchandise were other and different goods and merchandise, and of other and different kind and quality than as described and represented in said invoice; nor did said T. Bailly Blanchard, jr., consignee as aforesaid, at the time of presenting said invoice, and attempting to enter and enter-

ing said goods and merchandise, at said office of said collector of customs, nor at any time since, know that said invoice and declaration were false and fraudulent, said charge being altogether unfounded in fact.

III. And, further answering, your respondent says that said entry of said goods and merchandise in the office of said collector of customs was made in due conformity to law by means of a correct and true invoice, containing a true statement of all the particulars required by law, by the proper and duly authorized person, by oath or affirmation certifying that said invoice and the declaration thereon endorsed, are true
78 and correct, and were made by the person by whom the same purported to have been made, as required by law, the same being done altogether without fraudulent representation, document, practice, appliance *of* intent.

IV. And, further answering, your respondent says that said goods and merchandise were shipped and entered by said owner and said consignee upon the same invoice, none other then existing or ever having existed; that said invoice contains a full and true statement of the cost price of said goods and merchandise, and the certificate of said consul upon the same was obtained without fraud and artifice, the said invoice containing all the particulars required by law in such cases, and the whole being without fraudulent practice or appliance.

V. That said entry of said goods and merchandise by said consignee was made in good faith, and without false or fraudulent representation, document, paper, practice, or appliance, upon a true and correct invoice, containing a declaration endorsed thereon by the real owner of said goods and merchandise, and with correct consular certificate appended, in conformity to law.

79 VI. That, all and singular, the premises are true.

Wherefore your respondent prays that this honorable court will pronounce against the demand of the libellant, in his aforesaid amended libel mentioned and set forth, with costs.

(Signed) T. BAILLY BLANCHARD, JR.

Sworn to and subscribed before me this 2d day of December, 1868.

(Signed) CH'S CLAIBORNE,
U. S. Comm'r.

(Signed)
G. SCHMIDT & J. L. TISSOT,
Proctors.

Order.—Cause fixed for trial.—Extract from the minutes of 30th April, 1869.

UNITED STATES
vs.
1,050 CASES OF WINE. } No. 8382.

On motion of the district attorney, ordered that the claimant be notified that the above case will be taken up on Monday, 3d May next, at 11 a. m.

Notices of trial.—Issued April 30th, 1869.

80 United States district court, district of Louisiana.

UNITED STATES
vs.
1050 CASES WINE. } No. 8382.

To SCHMIDT & TISSOT, Esq's:

You are hereby notified that the above cause will be taken up for trial on Monday, the 3d day of May, 1869, at 11 a. m.

By order of court.

New Orleans, April 30th, 1869.

[SEAL.] (Signed) K. LOEW,
D'y Cl'k.

Marshal's return.

Received, May 1st, 1869, by the U. S. marshal, and on same day of April, 1869, left copy of within notice on desk of Schmidt & Tissot, named herein, at office 32 Exchange Place, in this city.

New Orleans, May 4th, 1869.

(Signed) J. W. SAWYER,
D'y U. S. Marshal.

Order.—Cause fixed for trial.—Extract from the minutes of 28th May, 1869.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

81 On motion of the U. S. attorney, ordered that the claimant be notified that the cause will be taken up on Tuesday, June 1st next, at 11 a. m.

Notice of trial.—Issued May 28th, 1869.

United States district court, district of Louisiana.

UNITED STATES
vs
1,050 CASES WINE. } No. 8382.

To SCHMIDT & TISSOT, Esq's:

You are hereby notified that the above cause will be taken up for trial on Tuesday, the 1st day of June, 1869, at 11 a. m.

By order of court.

New Orleans, May 28th, 1869.

[SEAL.] (Signed) K. LOEW,
D'y Cl'k.

Marshal's return.

Received May 29th, 1869, by the U. S. marshal, and on same day of May, 1869, served copy of within notice on Schmidt & Tissot,

82 attorneys named herein, by leaving same in hands of J. L. Tissot, at No. 34 Exchange Place, in this city.
New Orleans, May 31st, 1869.
(Signed) S. W. REED,
D'y U. S. Marshal.

Affidavit.—Filed June 1st, 1869.

UNITED STATES
vs.
1050 CASES WINE. } No. 8382.

J. B. Blanchard, j'r, claimant in this suit, declares on oath that, owing to the number of cases for the forfeiture of Bordeaux wines already tried, the decisions of the court adverse to the defendants in said cases, the invariable ruling of the court adverse to the opinions of the counsel of defendants on questions of evidence and the construction of law applicable to the controversies pending between the claimants and the United States in similar cases; the general publicity given to the trials of forfeiture of said wines, which have been tried during the last three months, and fully discussed both in newspapers, at street corners, and in private circles; owing to the exclusion of all jurors who did not
83 answer negatively all the causes of challenge contained in the 1st section of the act of 17th June, 1862, chap. 103, 12 Stats at Large of the United States, p. 430, whereby by far the largest portion of qualified jurors in the city and parish of New Orleans, from which the jury were selected, were excluded, owing to the fact that most if not all the jurors summoned have either formed or expressed an opinion adverse to claimant; that some of them have already been empannelled and tried similar cases and given verdicts in favor of the United States; that, owing to these and other causes, a general opinion unfavorable to the wine merchants in New Orleans has been created in the city of New Orleans and the parish of Orleans which renders it impossible for them and this affiant to obtain a fair and impartial trial from any jury selected from said city or parish; and inasmuch as the whole State is the bailiwick from which the selection of jurors to serve in this court may be made, and the impartial administration of justice is and ought always
84 to be the paramount aim of the court, and regard will not be refused to the fears and well founded apprehensions of a defendant, he prays that a venire facias juratores issue directed to the marshal of this honorable court directing him to summon from such parts of the State, excluding the city and parish of Orleans, as the court may direct, a panel to try this cause.
(Signed) T. BAILLY BLANCHARD, JR.

Sworn to and subscribed before me this 1st June, 1869.
(Signed) K. LOEW,
U. S. Comm'r.

Hearing and continuance.—Extract from the minutes of 1st June, 1869.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

This cause was called for trial before the court and a jury—U. S.

Attorney Morgan, R. Hunt & E. C. Billings, for libellants, Schmidt & Tissot, for claimant—when the following persons were called and sworn on the jury, to wit:

85 1. Justin Aicard; 2. Simon Esnard, jr.; 3. Rob. Villard; 4. John Walsh 5. W. H. Burroughs; 6. Eug. Duplessis; 7. W. D. Weaver; 8. I. Lanabere; 9. O. Pilman; 10. D. Webster; 11. J. C. Costley, and 12. A. Pignatet; the latter being chosen as talisman by reason of the exhaustion of the roll.

And the jury being complete, the trial proceeded and after hearing the pleadings and evidence (the motion made by the claimant to select jurors from any part of the State except the city and parish of Orleans having been refused,) the cause is continued till to-morrow at 11 a. m.

Note of evidence.—Filed June 1st, 1869.

UNITED STATES
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1050 CASES OF WINE. } No. 8382.

United States offer invoice "A" and entry "B," also price current "C."
I. Marshall, Cowey, Greenwood, and Viollier, plaintiff's witnesses.
Plaintiff's offered Code de Commerce and invoice "D," "E," "F," "G," & "H."

86 The instructions from M. Gibbs to Marshall are in evidence.

Court overrules claimant's application to select the jury from citizens of Louisiana residing outside the parish of Orleans.

Invoice "A" offered in evidence by U. S., June 1st, 1869.

BORDEAUX, *13th November*, 1865.

TREYERAN FRERES, *Bordeaux.*

Invoice of the following goods shipped by Treyeran Freres, on board the Rival, (American brig,) Capt. Applegit, bound to New Orleans, by order of, for, and on account and risk of ourselves, consigned to Th're Bailly Blanchard, jr., esq., of said place, viz:

Marks.	Nos.			
T. B. B., jr.	"	12 corking machines at f 30	360 "	
" "	735–764	1,500 cases of one doz. each claret wine St. Loubes,* 1864, at f 5 10 per c'e	7,650 "	
" " "	765–866	102 hhds claret wine St. Andre, 1864, at f 240 per ton	6,120 "	
" " "	867–876	500 cases, of one doz. each, claret wine, St. Macaire, 1864, at f 4 90 per c'e	2,450 00	
		1 case containing 24,000 labels at f 8 per 1,000	192 00	
87		Frs.	16,772 "	
		Commission 2½ per %	419 30	
		Frs.	17,191 30	

* (In red ink:) 12 bot., 54 per gall.

(Written in red ink:) T. B. B., jr., 735–764 twenty cases wine; 867–876, ten cases, 20 c & 25 %.
Feb'y 12th, 1866.

E. H.

E. Ed.

TREYERAN FRERES.

(Endorsed:)
I certify that this invoice was presented to me on entry W. H. bond 116, Rival, custom-house, New Orleans, this 30th day of June, 1866, warehouse No. 5, twenty, ten.

P. SELBY,
Act'g D'y Collector.

For all except—
T. B. B., jr., 12 corking machines.
" " 735–764, 100 cases claret wine.
" " 765–866, 102 " " "
" " 867–876, 100 " " "
1 1 case labels.
20 c. 25 °|₀ 2 O. 8382. "A."

Consul certificate attached to invoice. Form No. 143.

88 CONSULATE OF THE UNITED STATES
OF AMERICA AT BORDEAUX, FRANCE.

I, R'y Treyeran, of Bordeaux, France, do solemnly and truly declare that I am owner of the goods, wares, of merchandise in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the actual market value of said goods, wares, and merchandise at the time and place when and where the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties or drawbacks are contained in said invoice except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one. I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of New Orleans, in the United States of America.

Signed in triplicate.
(Signed) R'Y TREYERAN.
Dated at Bordeaux this 16th day of November, 1865.

Form No. 144.

89 I, C. Davisson, consul of the United States at Bordeaux, do hereby certify that, at Bordeaux, on this 16th day of November, anno Domini 1865, the within invoice numbered 1814, in which are mentioned and described certain red wine, corking machines, and labels, amounting with the charges thereon to the gross sum of f 17,191 30 c., was produced to me by R'y Treyeran, in person, the owner of the goods, wares, and merchandise therein mentioned, who, thereupon declared in writing in my presence that it was intended to make entry of said goods, wares, and merchandise at the port of New Orleans, in the United States of America. I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; that he is a credible person and that the statements made in the said declaration are true.

Witness my hand and seal of office at Bordeaux, the day and year aforesaid.

(Signed) C. DAVISSON,
Consul of the United States of America.

90 *Entry B, offered in evidence*

Form No. 104.—Warehouse entry.—Entry of merchandise imported on the 26th of January, 1866,

Columns to be filled by the importer.									
Marks.	Numbers.	Packages and contents.			Quantities in yards, pounds, &c.		Invoice—where dated.		
T. B. B. Cognac.	1	One quarter pipe brandy..			45	gallons	152 10	.....	†p. 354 †13 p. gall.
	2	One do.	do.	do. ..	45	"	152 95	.....	†3 60 p. gall.
Pellevoisin.	3	One do.	do.	do. ..	45	"	152 10	.....	.....
	4	One do.	do.	do. ..	45	"	151 25	.....	.....
	5	One do.	do.	do. ..	45	"	152 95	.....	.....
	6	One do.	do.	do. ..	45	"	152 95	.....	.....
	7	One do.	do.	do. ..	45	"	152 10	.....	.....
	8	One do.	do.	do. ..	45	"	152 10	.....	.....
	9	One do.	do.	do. ..	44	"	149 55	.....	.....
	10	One do.	do.	do. ..	45	"	152 95	.....	.....
								f 1, 521	$283
T. B. B. J. Fauste & Co. Cognac.	2	One quarter pipe brandy..			42	gallons	276 70	.....	.....
	3	One do.	do.	do. ..	41	"	273 55	.....	.....
	4	One do.	do.	do. ..	41	"	273 55	.....	.....
	5	One do.	do.	do. ..	42	"	279 80	.....	.....
	6	One do.	do.	do. ..	42	"	276 70	.....	.....
	7	One do.	do.	do. ..	42	"	273 55	.....	.....
	8	One do.	do.	do. ..	42	"	276 70	.....	.....
	9	One do.	do.	do. ..	41	"	275 15	.....	.....
[$1 int. rev. stamp affixed & cancelled.]	10	One do.	do.	do. ..	41	"	275 15	.....	.....
	16	One do.	do.	do. ..	21	"	145 45	.....	.....
	17	One do.	do.	do. ..	21	"	140 75	.....	.....
	18	One do.	do.	do. ..	21	"	145 45	.....	.....
	19	One do.	do.	do. ..	20	"	148 65	.....	.....
	20	One do.	do.	do. ..	20	"	143 90	.....	.....
	22	One do.	do.	do. ..	42	"	385	.....	.....
	23	One do.	do.	do. ..	41	"	382 80	.....	.....
	24	One do.	do.	do. ..	42	"	385	.....	.....
	25	One do.	do.	do. ..	41	"	382 85	.....	.....
								f 1, 740 80	$882
Enter the packages singly in these columns. T. B. B., j'r.	735-764	Two hundred cases claret			436	"	f 1, 020	.....	.....
		Two hundred	do.	do.	436	"	1, 020	.....	.....
		Two hundred	do.	do.	436	"	1, 020	.....	.....
		One hundred	do.	do.	218	"	510	.....	.....
		One hundred	do.	do.	218	"	510	.....	.....
		One hundred	do.	do.	218	"	510	.....	.....
		Fifty	cases	claret	109	"	255	.....	.....
		Fifty	do.	do.	109	"	255	.....	.....
		Fifty	do.	do.	109	"	255	.....	.....
		Fifty	do.	do.	109	"	255	.....	.....
		Fifty	do.	do.	109	"	255	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
		Twenty-five	do.	do.	54	"	127 50	.....	.....
Three invoices.		Twenty-five	do.	do.	54	"	127 50	.....	.....
	867-876	One hundred	do.	do.	218	"	490	.....	.....
		One hundred	do.	do.	218	"	490	.....	.....
		Fifty	do.	do.	109	"	245	.....	.....
		Fifty	do.	do.	109	"	245	.....	.....
		Fifty	do.	do.	109	"	245	.....	.....
		Twenty-five	do.	do.	54	"	122 50	.....	.....
		Twenty-five	do.	do.	54	"	122 50	.....	.....
								2, 100	1, 693
					5, 010 gall's.			15, 361 80	$2, 858

[NOTE.—Figures marked thus [*] are in red ink. Those marked [†] have been erased.]

by U. S., June 1st, 1869.

by T. Bailly Blanchard, j'r, in the American brig Rival, Applegit, master, from Bordeaux.

				20c. p gall.	25 %	2c. p. bottle.	Total.	Dutiable value of each package.	
		*$3 72	*$3 48					28 30	p. 2
		†2 75	† p. 250.					28 30	"
*p. 354.		13 p. gall.	$3 p. gall.						
13 p. gall.		*46						28 30	"
3 60 p. gall.		*45						28 30	"
		*46						28 30	"
		*45						28 30	"
		*46						28 30	"
		*46						28 30	"
		*45						28 30	"
		*45						28 30	"
		*45	$283						
								51 33	51 27
449 gall's								51 33	51 27
($283)								51 33	51 28
*41								51 33	51 27
*41								51 33	51 28
*41								51 33	51 27
*42								51 34	51 28
*42								51 34	51 27
*42								41 34	51 28
*40								27 "	$27
*40								27 "	"
*42	*$462			*22				27 "	"
				*21				27 "	"
				*21				27 "	"
				*22				27 "	"
				*22	*135			71 25	$71 25
		477 gall.		*42				71 25	"
		($462)		*41				71 25	"
				*41				71 25	"
				†166 gall.	*$285				
								189	0 94
				*42				189	
				†420				189	
					*436			94	
					*436			95	
					*436			95	
					*218			47	
					*218			47	
					*218			48	
					*109			47	
					*109			48	
					*109			24	
					*109			24	
					*109			24	
					*54			24	
					*54			24	
					*54			24	
					*54			24	
					*54			24	
					*54			24	
					*54			24	0 91
					*54			24	
					*54			91	
					*54			91	
					*218			46	
					*218			46	
					*109				
					*109			45	
					*109				
					*54			23	
					*54			23	
					3,915 s.	1,693	21,600 bott.		
	Gall's.	Gall's.	Gall's.					2858	
	371	454	274		3,918	$1,693	21,600 bott.		

J. S. M.
O. L.

Bond, $5,065 00.

New Orleans, January 31st, 1866.
(Signed)

T. BAILLY BLANCHARD, J'R,

REC. 363—3

W. HAVILLAND FILS.

(Written across the face in red ink :)

Brandy	$283	454 gall's	3 72		1, 686 88
"	462	371 "	3 54		1, 313 34
"	420	274 "	3 48		953 52
Wine	1, 693	3, 918 "	20c		783 60
"			20 %		423 25
Bottles, 21,600			2c.		432 00
					5, 594 59

O. L.

Liquidated February 14th, 1866.

TH. ROUX.

Bond for trip.—Invoice 27.

Manufacturer's or owner's oath, when goods have not been actually purchased.

I, , do solemnly, sincerely, and truly swear (or affirm) that the entry now delivered by me to the collector of the district of New Orleans contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the , whereof is master, from , (except what is now being entered by , and upon which the duty chargeable has been secured according to law ;) that the said goods, wares, and merchandise were not actually bought by me or my agent in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times and place or places, when and where procured for my account or for account of myself and partners; that the said invoice contains, also, a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; (;) that I do not know or believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly, sincerely, and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice thereof, I will immediately make the same known to the collector of this district or port. So help me God.

Sworn to this day of , 186 , before me.

Collector.

Naval Officer.

W. H. bond 116.

Consignee, importer, or agent's oath.

I, T. Bailly Blanchard, j'r, do solemnly, sincerely, and truly swear or affirm that the invoice and bill of lading now presented by me to the collector of the district of New Orleans are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the Am. brig Rival, whereof Applegit is master, from Bordeaux, for account of any person whomsoever, for whom I am authorized to enter the same, except what is now being entered, by and upon which the duty chargeable has been paid according to law; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made; and that if, at any time hereafter, I discover any error in the said invoice or in the account now tendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly, sincerely, and truly swear or affirm that, to the best of my knowledge and belief, Pellerin Freres, of St. Rochelle, is or are the owner or owners of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost if purchased, or fair market value, if otherwise obtained, or if said value be more at the time or times & place or places when & where procured, (as the case may be,) of the said goods, wares, and merchandise, all charges thereon, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same. So help me God.

T. BAILLY BLANCHARD, J'R.

Sworn to this 1st day of February, 1866, before me.

P. SELBY,
Act'g D'y Collector.

Casks on wh'f.—735-764, twenty; 867-876, ten.

Owner's oath, in cases where goods, wares, or merchandise have been actually purchased.

I, T. Bailly Blanchard, j'r, do solemnly, sincerely, and truly swear or affirm that the entry now delivered by me to the collector of the district of New Orleans contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the Am. brig Rival, whereof Applegit is master, from Bordeaux, except what is now being entered, by & upon which the duty chargeable has been paid according to law; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them; and that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made. And I do further solemnly, sincerely,

and truly swear or affirm that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district or port. So help me God.

T. BAILLY BLANCHARD, J'R.

Sworn to this 1st day of February, 1866, before me.

P. SELBY,
Act'g Dy Collector.

Naval Officer.

NOTE.—The importer, in order to avoid penalty, will place opposite to each package its value at the principal markets of country of production or manufacture, whenever it more than actual cost. See section 8 of the tariff act, passed July 30, 1846. 2. These entries have been made in triplicate, with the original invoice, and also a copy of the same.

To , collector of the port of New Orleans.

SIR: I request that the merchandise now entered by me to be warehoused as described in the within entry per Am. brig Rival, Capt. Applegit, from Bordeaux, may be deposited in the store No. 5, rear of 37 Old Levee street, and I do hereby constitute and appoint as my agent for me, and in my name to have the joint custody of such goods, and possession of the key to said premises, allowed to the importer under the provisions of the act of August 6th, 1846, and the regulations of the Secretary of the Treasury made in pursuance thereof.

T. BAILLY BLANCHARD, J'R.

The joint custody of such goods, and possession of the key to said premises, allowed to the importer under the provisions of the act of August 6th, 1846, and the regulations of the Secretary of the Treasury made in pursuance thereof.

(Indorsed:) Invoice 1814. Bond, 116. No. 659. Warehouse entry. T. Bailly Blanchard, J'r. The Am. brig Rival, Applegit, master, from Bordeaux. January 26th, '66. B. B. Completed . Permit issued Feb'y 1st, 1866. O. K. Peter O'Donnell, stationer, 16 Camp st., N. O.

91 *Invoice D.—Offered in evidence by U. S., June 1st, 1869.*

BORDEAUX, *le* 9]*Mai*, 1866.

Facture a diverses merchandises chargees par T. Lavildalie & Fils pour compte de Monsieur P. Poucal, de la Nouvelle Orleans, sur le navire Harisburg, Capt. Wiervill, savoir:

			F.	C.
P P		*20 b'ques vin rouge, Basseus, 1864, meme etempe, a 400 f. le bb.	2,000	00
	17	*20 b'ques vin rouge, St. Loubes Izon, 1864, meme etempe a 300		
	18	f. le ton	1,500	00
	19	*24 b'ques vin rouge, Montferrand, 1865, meme etempe, a 300 f. le ton	1,800	00
	20	†10 barils Vermouth, marque, Noilly, Prat & Co., deportant ensemble, 587 litres, a 85 c. l'un	498	95
F P	21	*25 caisses de 12 b'lles C'd Pernod, absinthe, a 29 f. l'une	725	00
	22	§4 b'ques vin blanc, Lanqoiran, 1862, meme etempe, a fr	500	00
		103 colis	7,023	95
		Commission 2½ °/o	140	47
			F7,164	42

[The following notes were written in red ink across the lines indicated:]
*Wine, value not over 50 c., 20 & 25 °/o.
†100 °/o.
*On wh'f. Two 12 bottles absynthe 4 bot. per gal. Chenyth 710, p. 3. 55 gall.
§Wine not over 50 c., 20 & 25 °/o.

Deportage des barils Vermouth.

No. 1	41 litres.	No. 6	76 litres.
2	42	7	77
3	39	8	76
4	41	9	77
5	42	10	76
	205 litres.		382 litres.
		Report	205
		Total	587 litres.

F. E. on O.

P. LAVILDALIE FILS.

[Written across the face in red ink.]
F. P. 21. Two cases absynth, as noted, on wh't.
Wines, as noted July 28th, 1866.

CROK.
J. JACKSON.

Liq. Sept. 24th, 1866, S. W. G. H. A.

92 *Consul's certificate attached to invoice. Form No.* 143.

CONSULATE OF THE UNITED STATES OF AMERICA
AT BORDEAUX, FRANCE.

I, P. Lavildalie, of Bordeaux, do solemnly and truly declare that I am owner of the goods, wares, or merchandise in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the actual market value of said goods, wares, and merchandise at the time and place when and where the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon, and that no invoice different from the one now produced has been or will be furnished to any one. I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of N. Orleans, in the United States of America.

(Signed in triplicate)

P. LAVILDALIE FILS.

Dated at Bordeaux, this 23d day of May, 1866.

Form No. 144.

93 I, C. Davisson, consul of the United States at Bordeaux, do hereby certify that, at Bordeaux, on this 23d day of May, anno Domini 1866, the within invoice, numbered 1187, in which are mentioned and described certain wine-liquors, amounting, with the charges thereon, to the gross sum of 7,164.42, was produced to me by P. Lavildalie in person, the owner of the goods, wares, and merchandise therein mentioned, who thereupon declared in writing, in my presence, that it was intended to make entry of said goods, wares, and merchandise at the port of N. Orleans, in the United States of America. I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; that he is a credible person, and that the statements made in the said declaration are true.

Witness my hand and seal of office, at Bordeaux, the day and year aforesaid.

[SEAL.] (Signed) C. DAVISSON,
Consul of the United States of America.

Invoice E.—Offered in evidence by U. S., June 1st, 1869.—Received from M. H. Grinnell, 27th April, 1867.

94 *Envoi de Bordeaux le 7 Avril, 1866. Doit Monsieur John Latting, a New York, pour envoi a vous fait d'après vos ordres par le navire "Rinkon," Capt. Isefiaer, en destination de New York, a raison de 6$ or £ 10 % par ton'au lourd & 5$ or £ 10 % par, et par l'entremise de tonneau leger, savoir :*

J. S. 491	20	Caisses de 50 boute eau de Vichy a f 35 la caisse..... f	700 " "
" " 492-503	12-2	Barriques vin blanc, Graves 1864, a 114 lite l'une em'le 1368 lite a f 320 le tonneau	480 " "
" " 504-515.	12-2	Barriques vin rouge, St. Loubes, 1864, a 114 lite l'une em'le 1368 lite a f 350 le tonneau	525 " "
		Fr's	1, 705 " "

Bordeaux, 7th Avril, 1866.
(Signed) A. HENRY & AMTMANN.

(Written across invoice :)

W. H. Mason, seventeen hundred and five fr's, 186 p'd. I certify that this invoice was presented to me on entry, Rinkon, custom-house, New York, this 13th day of June, 1866. M. H. Grinnell, coll'r.

3 c. bottle, 25 %; 20c. gal. & 25 %. J. S., one case mineral water, 3c. ea., & 25 %, one, eight.

July 24th, '66. T. W. Fisher, W. H. bond.

Correct. J. R. Oar. D. M. Wine in casks; value correct. R. B. R., July 9th, 1866. 5721.

Consul's certificate attached to invoice.—Form No. 143.

95 CONSULATE OF THE UNITED STATES OF AMERICA AT BORDEAUX, FRANCE.

J. C. Amtmann, of Bordeaux, do solemnly and truly declare that I am owner of the goods, wares, or merchandise in the within invoice mentioned and described; that the said invoice is, in all respects, true; that it contains a full and true statement of the actual market value of said goods, wares, and merchandise at the time and place when and where the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one. I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of N. York, in the United States of America.

(Signed in triplicate) J. C. ANTMANN.

Dated at Bordeaux this 10th day of April, 1866.

Form No. 144.

96 I, C. Davisson, consul of the United States at Bordeaux, do hereby certify that, at Bordeaux, on this 10th day of April, anno Domini 1866, the within invoice, numbered 865, in which are mentioned and described certain red and white wine, &c., amounting, with the charges thereon to the gross sum of 1,705, was produced to me by C. Amtmann in person, the owner of the goods, wares, and merchandise

therein mentioned, who thereupon declared in writing in my presence, that it was intended to make entry of said goods, wares, and merchandise at the port of N. York, in the United States of America. I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; that he is a credible person, and that the statements made in the said declaration are true.

Witness my hand and seal of office, at Bordeaux, the day and year aforesaid.

(Signed) C. DAVISSON,
Consul of the United States of America.

Invoice F.—Offered in evidence by U. S., June 1st, 1869.

97 BORDEAUX, *le* 31 *Mai*, 1866.

Factures a diverses marchandises chargées par P. Lavildali fils, pour compte de Monsieur P. Pusol, de la Nouvelle Orleans, sur le navire Maria, Capt. Killarg, savoir :

No.		
23	20 b'ques vin rouge, Basseus, 1864, meme etempe *a* 375 f. le t'aux.	1, 875 00
24	20 b'ques vin rouge, St Loubes Izons, etempes St Loubes, 1864. *a.* 290 le t'au	1, 450 00
25	40 b'ques vin rouge, Montferrand, 1864, meme etempe, *a* 335 f. le t'au	3, 350 00
26	50 b'ques vin rouge Montferrand, 1864, de Peysans, *a* 325 le t'au.	4, 062 50
30	200 caises de 12 b'lles vin rouge, St Estephe, Medoc, 1862, Peysans, meme etempe *a* fr. 7 f. l'une	1, 400 00
		12, 137 50
	Commission 2½ °/₀	242 75
		f 12, 380 25

F. E. on O.
(Signed) P. LAVILDALIE FILS.

(Endorsed:) P. Pusol, p. Maria, from Bordeaux, Aug. 3d, 1866.

Consul's certificate attached to invoice.—Form No. 143.

CONSULATE OF THE UNITED STATES OF AMERICA
AT BORDEAUX, FRANCE.

98 I, P. Lavildalie, of Bordeaux, do solemnly and truly declare that I am owner of the goods, wares, or merchandise in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the actual market value of said goods, wares, and merchandise at the time and place when and where the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one. I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of N. Orleans, in the United States of America.

(Signed in triplicate) P. LAVILDALIE FILS.

Dated at Bordeaux this 14th day of June, 1866.

Form No. 144.

I, C. Davisson, consul of the United States at Bordeaux, do hereby certify that, at Bordeaux, on this 14th day of June, anno Domini 1866, the within invoice, numbered 1323, in which are mentioned
99 and described certain red wine, amounting with the charges thereon to the gross sum of 12,380.25, was produced to me by P. Lavidalie in person, the owner of the goods, wares, and merchandise therein mentioned, who thereupon declared in writing in my presence that it was intended to make entry of said goods, wares, and merchandise at the port of New Orleans, in the United States of America. I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; that he is a credible person, and that the statements made in the said declaration are true.

Witness my hand and seal of office, at Bordeaux, the day and year aforesaid.

(Signed) C. DAVISSON,
Consul of the United States of America.

Invoice G.—Offered in evidence by U. S. June 1st, 1869.

(5869.) *Invoice of wines shipped by Louis Ginoulhiac on board ship L. Deodata, bound*
100 *to New Orleans, and consigned to Mess. O. Bercier & Co., on account and risks of the shipper.*

O. B. C. L. G., No. 1 a 20.	20	* Twenty casks St. Macaire, 1864, a. 70 f. each †	f1,400 00
O. B. C. L. G., No. 21-28.	8	* Eight casks (Chan. Corbeil) Blanquefort, 1863, a. 125 f.	1,000 00
		‡200 cases of 12 bottles, 1865, St. Macaire, a. 6 f. each	1,200 00
			3,600 00
		Discount 3 °/o	108 00
			f3,492 00
		Shipping charges & insurance 5 °/o	174 60
			f3,666 60

(Written across invoice in red ink in places indicated:)
* As noted, 20 c. & 25 °/o. T. H. G.
† 20 c. & 25 °/o.
‡ 200 cases 12 bot. ea., 5½ bot. per gal., wine; value not over 50 c. per gall. 20 c. & 25 °/o.

S. E. & E.
Bordeaux le 22 Fevrier, 1866.

LOUIS GINOULHIAC.

(Written under signature in red ink:) O. B. C. 1. L. G. Twenty boxes wine on wh'f. Wine in casks, as noted. May 15th, 1866. J. Jackson. Liquidated June 18th, 1866. Th. R. O. L.

(Written across end in red ink:) Liq'd, June 8th, 1866. Th. R.

(Endorsed:) I. S. M., thirty-four hundred and ninety-two francs. I certify that this invoice was presented to me on entry, W. H. bond 377, "Deodata," custom-house, New Orleans, this 23 day of April, 1866. Warehouse No. 7. Private. Casks on wh'f. Ten boxes to appr's. P. Selby, act'g d'y coll'r. 20 c. gall. 25 °/o, 2 c. "8382 G."

101 *Consul's certificate attached to invoice. Form No.* 143.

CONSULATE OF THE UNITED STATES OF AMERICA,
AT BORDEAUX, FRANCE.

I, L. Ginoulhiac, of Bordeaux, do solemnly and truly declare that I am owner of the goods, wares, *of* merchandise, in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the actual market value of said goods, wares, and merchandise, at the time and place when and where the same were manufactured or procured; of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks, are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been, or will be, furnished to any one. I further declare that it is intended to make entry of said goods, wares, and merchandise, at the port of N. Orleans, in the United States of America.

(Signed in triplicate.) LOUIS GINOULHIAC.

Dated at Bordeaux, this 23d day of February, 1866.

102 *Form No.* 144.

I, C. Davisson, consul of the United States at Bordeaux, do hereby certify that, at Bordeaux, on this 23d day of Feb'y, anno Domini, 1866, the within invoice numbered 500, in which are mentioned and described certain red wines, amounting, with the charges thereon, to the gross sum of 3,666.60, was produced to me by Ginoulhiac in person, the owner of the goods, wares, and merchandise therein mentioned, who thereupon declared in writing in my presence, that it was intended to make entry of said goods, wares, and merchandise at the port of New Orleans, in the United States of America.

I do further certify that I am satisfied that the person making the declaration hereto annexed, is the person he represents himself to be; that he is a credible person, and that the statements made, in the said declaration are true.

Witness my hand and seal of office, at Bordeaux, the day and year aforesaid.

(Signed) C. DAVISSON,
Consul of the United States of America.

103 *Hearing and continuance.—Extract from the minutes of 2d June,* 1869.

UNITED STATES
vs.
1050 CASES WINE. } No. 8382.

This cause was resumed before the court and jury, and after hearing further evidence, continued till to-morrow at 11 a. m.

Note of evidence.—Filed June 2d, 1869.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

United States offer Document X.

Mr. Brugere, F. Laborde, Ch's Cavaroe, P. E. Brulatour, J. Tardos, Mr. Davisson, late U. S. consul, sworn for defendants.

Under the call, the collector produces entries O, P, & Q, and they are offered by the defendant.

The invoices referred to on the call are lettered D, F, & G.

104 *Document X.—Offered in evidence by U. S., June 2d, 1869.*

NOTE.—The above document, being an original document "in the French language," annexed to transcript from U. S. district court, could not be transcribed.

D. URBAN,
Clerk U. S. C. C.

Entry O.—Offered in evidence

Warehouse entry O.—Form 76.—Entry of of *merchandise imported on the 19th of April,*

NOTE.—In order to avoid penalty, the importer will place in this column, opposite each package, its value cost. See section 8 of tariff

☞ Importers of dry goods will be required to specify in the column of contents, the material of which chief

Columns to be filled by the importer.

Marks.	Nos.	Packages.	Packages and contents.	Quantities, in lbs., yards, bus'ls, gal., &c.		
O. B. C	1-20		Twenty casks claret.....	†1, 200 *1, 100	f 1, 358	1, 358
L. G	21-28		Eight " "	†480 *440	970	970
"	1		Two hundred boxes "	†438 *440	1, 164	1, 164
B L E F A	76-775		Forty casks "	†2, 196 *2, 200	2, 471	2, 471
"	9-75		Seven hundred boxes "	†1, 533 *1, 540	3, 544	† 1 2 3 2 3 4 8
			Importers add, to make market value, 44 centimes		308	3, 852
J. L.....	10		Five hundred boxes claret...	†1, 095 *1, 100	2, 625	2, 625
O. B. & C ..	7		One hundred & forty-five " " ...	319	2, 030	2, 030
				7, 139		ffr's 14, 347 *14, 470
[$1 00 stamp affixed and cancelled.]		Three invoices.				$2, 691 $2, 669

*Erased with red ink.

(Written in red ink at bottom :)

Wine, $2.291, 6,942 gall's,	*a* 20c	1, 388 40
" " "	*a* 25 %	572 75
" 378, 319 "	*a* $1 00	319 00
" "	*a* 25 %	94 50
Bottle, 18,540,	*a* 2c	370 80
		2, 745 45

O. L.

Liq'd June 8th, 1866.

TH. R.

Date of vessel's entry, 186 .

[Steel & Company, stationers and printers, 72 Camp street.]

by defendants June 2d, 1869.

1866, by Oscar Bercier & Co., in the Norw'g' Deodata, Marensen, master, from Bordeaux.

at the principal markets of country of production or manufacture, whenever it is more than the actual act, passed 30th July, 1846.

their goods are made, whether wool, worsted, silk, etc., or, when any two or more, to specify that which is of value.

20 c.	25 %.	*50 c. †$1 00.	25 %.	2 c.		Total.	Dutiable val. ue of each package.
†1, 200							
*1, 100	1, 358	.....	.....	.....	.....	253	12. 65
†480							
*440	970	.....	.....	.....	.....	180	22. 50
†438							
*440	1, 164	.....	.....	2, 400	.....	216	1. 08
†2, 196						†438	†10. 95
*2, 200	2, 471	.....	.....	.....	.....	*460	*11. 50
†1, 583	† 1 2 3						
*1, 540	2 3 4 8	.....	.....	8, 400	.....	.....	.....
	3, 852	.....	.....	.....	.....	716	1. 02
†1, 095							
*1, 100	2, 625	.....	.....	.....	.....	488	09. 76
		319	2 030	1, 740	.....	378	2. 61
†gall's 6, 942	†12, 317						
*6, 820	*12, 440	319	2, 030	18, 540			
†t. gall's.	*2, 314		378				
†6, 942	†2, 291						
			2, 314 "	6, 820 g.	20 c. 1, 364 00	†$2, 669	
					25 %		
			377 "	319 "	50 c. 578 50		
					25 %		
			18, 540 bott.		2 c. 159 50		
					Bond.. 94 25		
					370 80		
					2, 567 05		
					J. S. M.		

†Written in with red ink.

OSCAR BERCIER & CO.

W. H. bond 377.

Manufacturer's or owner's oath, when goods have not been actually purchased.

O. B. C., 1-20, wh'f.
S. G., 21-29, "

I,

do solemnly, sincerely, and truly swear (or affirm) that the entry now delivered by me to the collector of this district of New Orleans, contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the

whereof

is master from " 9-15, thirty-five;

(except what is now being entered by J. L. 10, twenty-five, O. B. C. ten, *able has been secured according to law;)* that the said goods, wares, and merchandise were not actually bought by me, or my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their market value, including charges of

purchasing, carriages, bleaching, dyeing, dressing, putting up, and packing, at the time or times and place or places when and where procured for my account, or for account of myself and partners; that the said invoice contains, also, a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise, that I do not know or believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly, sincerely, and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice thereof, I will immediately make the same known to the collector of this district or port. So help me God.

Sworn to this day of , 18 , before me.

Collector.

Naval Officer.

Consignee, importer, or agent's oath.

I, F. Laborde, do solemnly, sincerely, and truly swear or affirm that the invoice and bill of lading now by me to the collector of the district of New Orleans, are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the Norw'g' bark Deodata, whereof Marenssen is master, from Bordeaux, for account of any person whomsoever for whom I am authorized to enter the same, except what is now being entered by , and upon which the duty chargeable has been paid according to law; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now tendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly, sincerely, and truly swear or affirm that, to the best of my knowledge and belief, A. Gautier, J. B. Clere & Co., L. Limouhiac, of Bordeaux, is or are the owner or owners of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, if purchased, or fair market value, (if otherwise obtained,) or if said value be more, at the time or times & place or places when and where procured, as the case may be, of the said goods, wares, and merchandise, all charges thereon, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same. So help me God.

F. LABORDE.

Sworn to this 24th day of April, 186 , before me.

P. SELBY,
Act'g D'y Collector.

Naval Officer.

Owner's oath in cases where goods, wares, & merchandise have been actually purchased.

I, , do solemnly and truly swear that the entry now delivered by me to the collector of the district of New Orleans, contains a just and true account of all the goods, wares, and merchandise imported by or consigned to in the whereof is master, from (except what is now being entered for consumption;) that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise; of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them; and that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made. And I do further solemnly and truly swear that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Sworn to this day of , 18 , before me.

Collector.

Naval Officer.

(Indorsed:) No. 2345. Warehouse entry. April 19th, 1866. The Norw. bark Deodata, Marenssen, master, from Bordeaux. Oscar Bercier & Co. Refunded. Liq'd June 8th, 1866. Paid. Permit issued April 24th, 1866.

[Steel & Company, stationers and printers, 72 Camp st.]

Remarks.

105 *Bill of lading attached to entry.*

Je Marcusen, maitre, apres Dieu, du navire nomme Deodata, a present devant Bordeaux, pour du premier temps convenable suivre mon voyage, sous la garde de Dieu, jusqu'au devant de la ville de Nouvelle Orleans, la où sera ma decharge, confesse avoir recu dans mon dit vaisseau, et sous le franc tillac d'icelui de vous Mr. E. Fayet Aine B. L. 76 @ 115, quarante barriques vin rouge B. L. 9 @ 15, sept cents caisse de douze bouteilles vin rouge, allant pour trente-cinq tonneaux $\frac{92}{100}$, le tout plein bien conditionné et marqué de la marque ci a coté, que je promets delivrer au meme forme, sauf les perils et fortunes de la mer a ordre, ou a ordre en me payant pour mon frêt la somme de sept dollars or et dix pour cent par tonneau pour les barriques, six dollars or et dix pour cent par tonneau pour les caisses et pour cent. En outre les avaries suivant les us et contumes de la mer, et pour l'accomplissement de ce que dessus j'ai obligé et oblige par cette ma personne, mes biens et mon dit vaisseau, avec les dependances d'icelui, en foi de quoi j'ai signe quatre connaissemens d'une meme teneur, l'une d'iceux accompli de-
106 meureront, les autres de nulle valeur.

Fait a Bordeaux le 14 Fevrier, 1866.

(Signed) M. MARCUSEN.

Endorsed:

Livrez a l'ordre de Mr. A. Gautier, de Bordeaux.
Bordeaux, 16 Fevrier, 1866.

(Signed) A. FAY ET AINÉ.

Livrez a l'ordre des Messieurs Oscar Bercier & Co. de New Orleans.
Bordeaux, le 26 Fevrier, 1866.

(Signed) A. GAUTIER.

Entry P.—Offered in evidence

P.—Form 76.—Entry of goods for consumption imported into the port and district of New Or August,

☞ NOTE.—In order to avoid penalty, the importer will place in this column, opposite each package, its cost. See section 8 of the tariff

☞ Importers of dry goods will be required to specify in the column of contents the material of which their chief

Columns to be filled by the importer.				In foreign currency.		
Marks.	Nos.	Packages.	Packages and contents.	Quantities in lbs., yards, bus'ls, gal., &c.	Invoice cost.	Invoice charges.
	23	Twenty	Casks red wine.	†1, 177 gall's *1, 200 †1, 181	f 1, 875	†1, 875
	24	Twenty	Casks red wine.	*1, 200 †2, 363	" 1, 450	†1, 450
	25	Forty	Casks red wine.	*2, 400 †2, 896	" 3, 350	†3, 350
	26	Fifty	Casks red wine.	*3, 000 †2, 828	4, 060. 50 95 39	†3, 967. 11
	30	Two hundred	Boxes red wine.	*450 †436	†3967 11 1, 400	†1, 400
					12, 137 50	†12, 042. 11frs.
[$1 00 stamp affixed and cancelled.]					2, 257	†2, 242
Guaging, $9 00.						

* Erased with red ink. † Written in with red ink.

(Written in with red ink at bottom :)

Red wine,	$1, 982,		25 %	495 50
"		7, 549 gall's, 20 c. gal		1, 509 80
" boxes,	260,		5 %	65 00
		436 gall's, a 50 c. gall		218 00
" "		2, 400 bottles, a 2 c. a bott		48 00
	$2, 242[et]			2, 336 60
Duty paid				2, 397 25
Ascert'd duty				2, 336 30
				$60 95

Liq'd Sept. 7th, 1865. A. P.

Manufacturer's or owner 'soath, when goods have not been actually purchased.

I, , do solemnly, sincerely, and truly swear (or affirm) that the entry now delivered by me to the collector of the district of New Orleans, contains a just and true account of all the goods, wares, and merchandise, imported by or consigned to me, in the , whereof is master, from , (except what is now being entered by , and upon which the duty chargeable has been secured according to law ;) that the said goods, wares, and merchandise, were not actually bought by me, or my agent, in the ordinary mode of bargain and sale, but that nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, or for account of myself and partners ; that the said invoice contains, also, a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise, that I do not know or believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly, sincerely, and truly swear, (or affirm,) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise ; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice thereof, I will immediately make the same known to the collector of this district or port. So help me God.

Sworn to this day of , 18 , before me.

, *Collector.*
, *Naval Officer.*

[Steele & Company, stationers and printers, 72 Camp st.]

by defendants, June 2d 1869.

leans, by P. Pousol, in the Brit. bark Maria, Killam, master, from Bordeaux, made 3d day of 1866.

value at the principal markets of country of production, or manufacture, whenever it is more than the actual act, passed 30th July, 1846.

goods are made, whether wool, worsted, silk, etc., or when any two or more, to specify that which is of value.

Appraised value, subject to duty at the rate of—

20 c. per gallon.	25 % ad val.	50 c. per gall.	25 % ad val.	2 c's per bottle.	Dutiable value in dollars.	Rate of duty.	Amoun of duty
†1, 177 gall's *1, 200	f 1, 875				$1, 997	7, 800g. 20 c.	1, 560 00
" †1, 181 " *1, 200	" 1, 450				"	25 %	499 25
" †2, 363 *2, 400	" 3, 350				260	450g. 50 c.	225 00
" †2, 828 *3, 000	†3, 967. 11				"	25 %	65 00
	"*4, 082. 50	†436 *450 gall's	fr. 1, 400	2, 400 bott's	2, 400 bott.	2 c.	48 00
							$2, 397 25
*7, 800 gall's †7, 549	†10, 642. 11 f *10, 737. 50	†436 *450 g'll's	1, 400 fr.		J. S. M. Aug.	4th, 1866.	J. C. W.
*7, 800 gall's †7, 549	*1, 992 f. †fr. 10, 642. 11 † $1, 982	*450 g'll's †436	$260				J. T.

(Signed) P. POUSOL.

Consignee, importer, or agent's oath.

I, , do solemnly and truly swear that the invoice and bill of lading now produced by me to the collector of the district of New Orleans, are the true and only invoice and bill lading, by me received, of all the goods, wares and merchandise imported in the , whereof is master, from for account of any person whomsoever, for whom I am authorized to enter the same, (except what is now being entered for consumption;) that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice, and the declaration thereon, are in all respects true, and were made by the person by whom the same purport to have been made; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now tendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly swear that, to the best of my knowledge and belief, , the owner of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, or fair market value, at , of the said goods, wares, and merchandise, all charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Sworn to this , 18 , before me.

, *Collector.*
, *Naval Officer.*

Owner's oath, in cases where goods, wares, or merchandise have been actually purchased.

I, P. Pousol, do solemnly, sincerely, and truly swear (or affirm) that the entry now delivered by me to the collector of the district of New Orleans contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the bark Maria, in the , whereof Killiam is master, from Bordeaux, and upon which the duty chargeable has been secured, according to law, (except what is now being entered for warehousing;) that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in

the state in which I actually received them; and that the said invoice, and the declaration thereon, are in all respects true, and were made by the person by whom the same purport to have been made. And I do solemnly, sincerely, and truly swear (or affirm) that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district or port. So help me God.

(Signed) P. POUSOL.

107 *Entry Q.—Offered in evidence*

Q.—Form 76.—Entry of goods for consumption, imported into the port and district of

☞ NOTE.—In order to avoid penalty, the importer will place in this column, opposite each package, its cost. (See section 8 of tariff

☞ Importers of dry goods will be required to specify in the column of contents the material of which chief

Columns to be filled by the importer.					In foreign currency.	
Marks.	Nos.	Packages.	Packages and contents.	Quantities, in lbs., yards, bus'ls, gal., &c.	Invoice cost.	Invoice charges.
	17	Twenty	Casks red wine.....	1, 200 g'll's.	fr. 2, 000	.....
	18	Twenty	Casks red wine.....	1, 200 "	" 1, 500	.....
	19	Twenty-four	Casks red wine.....	1, 400 "	" 1, 800	.....
	20	Ten	Bbls. Vermouth	.....	" 498. 95	.....
E. P.	21	Twenty-five	Boxes absynth.....	75	" 725	.....
	22	Four	Casks white wine.....	240	" 500	.....
					7, 023. 95	.....
[$1 00 int. rev. stamp, affixed, &c., cancelled.]						

* Erased with red ink.

† Written in with red ink.

(Signed) P. POUSAL.

(Written at bottom in red ink:)

Deduct from leaking on 60 gal's, *a* 1. 26f. per gall.....		f75. 40
" " " " 4 " *a* 2. 10 " " "		8. 40
		f83. 80
		83. 80
		frs. 6, 949. 15

(Written across the face in red ink:)

Red & white wine, $1,063—3,939 gall's, *a* 20c.....					786. 40
" " " " " " " 25 %.....					265. 75
Vermouth	" 92		*a* 100 %.....		92. 00
Absynth	" 135	75 "	*a*		206. 25
Bottles, 300, *a* 2c, ea.....					6. 00
					f1, 416. 40

Sworn to this 4th day of August, 1866, before me,

W. G. BROWN,
Act'g D'y Collector.

(Indorsed:) U. S. custom-house, Jan'y 4th, 1867. Excess paid. No. 3882. Impost entry. August 4th, 1866. Brit. bark Maria, , master, from Bordeaux. P. Pousol. Original duty, $2,397 25; ascertained duty, $2,336 30; excess, $60 95, refunded Sept. 7th, 1866. A. P. Paid August 4th, 1866. Permit issued.

Steele & Company, stationers and printers, 72 Camp st.

Remarks.

by defendants, June 2d, 1869.

New Orleans, by P. Pousol, in the ship Harrisburg, Wescell, master, from Bordeaux.

value at the principal markets of country of production or manufacture, whenever it is more than the actual act, passed 30th July, 1846.)

their goods are made, whether wool, worsted, silk, etc., or when any two or more, to specify that which is *of* value.

[Steel & Company, stationers and printers, 72 Camp st.]

Appraised value, subject to duty at the rate of—

Value at principal markets of country of production.—(See note.)	20c. per gal.	25 % ad val.	100 %	$3 55 *$3 50 per gall.		Dutiable value in dollars.	Rate of duty.	Amount of duty.
.....	†1, 176 *1, 300	f. 2, 000	.....	.....	.....	$1, 079	4,080 gall's, 20c.	816 00
.....	†1, 166 *1, 200	" 1, 500	.....	.....	.....	"	25 %	269 75
.....	†1, 357 *1, 440	†1, 725 "*1, 800	.....	.....	.....	92	100 %	92 00
.....	.....	.....	fr. 498. 95	.....	.....	135	75 gall's, $3 50	262 50
.....	.....	.....	.....	75 gall's.	fr. 725		300 bottles, a 2c.	$1, 440 25
							P. W.	6 00
	†233	†492					J. H. S.	
f. 7, 023. 95	*240	*500					July 19, 1866. J. T.	$1, 446 25
1, 306	†3, 939 *4, 080 gall's. †3, 932	†5, 717 *5, 800	fr. 498. 95	75 gall's.	fr. 725			
†15. 62 †1, 290. 38	*4, 080 g'll's. †3, 932 "	*$1, 079 †1, 063	$92	75 g'll's.	$135			

Duty paid	1, 446 25
Ascert'd duty	1, 416 40
Excess	29 85

Liq'd Sept. 24th, 1866.
H. A.
L. M. S.

Date of vessel's entry, 186

Manufacturer's or owner's oath, when goods have not been actually purchased.

I, , do solemnly, sincerely, and truly swear (or affirm) that the entry now delivered by me to the collector of the district of New Orleans contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the , whereof is master, from ,

(except what is now being entered by , and upon which the duty chargeable has

been secured according to law;) that the said goods, wares, and merchandise were not actually bought by me or my agent in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same at their market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account or for account of myself and partners; that the said invoice contains, also, a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know or believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly, sincerely, and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice thereof, I will immediately make the same known to the collector of this district or port. So help me God.

Sworn to this day of , 18 , before me—

Collector.

Naval Officer.

Consignee, importer, or agent's oath.

I, P. Pousal, do solemnly, sincerely, and truly swear (or affirm) that the invoice and bill of lading now presented by me to the collector of the district of New Orleans, are the true and only invoice and bill lading, by me received, of all the goods, wares, and merchandise imported in the ship Harrisburg, whereof Westwell is master, from Bordeaux, for account of any person whomsoever, for whom I am authorized to enter the same (except what is now being entered for warehousing, & upon which the duty chargeable has been secured according to law;) that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are, in all respects, true, and were made by the person by whom the same purport to have been made, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now tendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly, sincerely, and truly swear (or affirm) that, to the best of my knowledge and belief, *that* P. Lavildalie Fils is or are the owner or owners of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, if purchased, or fair market value, if otherwise obtained, or, if paid value be more at the time or times, & place or places, when & where procured, as the case may be, of the said goods, wares, and merchandise, all charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same. So help me God.

(Signed) P. POUSOL.

Sworn to this 17 day of July, 1866, before me—

W. G. BROWN,
Collector.

Act'g D'y Collector.

Owner's oath in cases where goods, wares, or merchandise have been actually purchased.

I, , do solemnly and truly swear that the entry now delivered by me to the collector of the district of New Orleans, contains a just and true account of all the goods, wares, and merchandise imported by or consigned to in the , whereof is master, , (except what is now being entered for consumption;) that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them; and that the said invoice and the declaration thereon are, in all respects, true, and were made by the person by whom the same purport to have been made. And I do further solemnly and truly swear that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Sworn to this day of , 18 , before me—

Collector.

Naval Officer.

(Indorsed:) United States custom-house, Jan'y 4th, 1867. Excess paid. Impost entry. July 19, 1866. U. S. ship Harrisburg, master, from Bordeaux. P. Pousal. Original duty, $1,446 25. Ascertained duty, $1,416 40. Excess, $29 85. Refunded. Liq'd Sept. 24th, 1866. H. A. Paid July 19th, 1866. Permit issued. L. M. S.

[Steel & Company, stationers and printers, 72 Camp st.]

108 *Order to produce documents.—Extract from the minutes of June 2d, 1869.*

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

On motion of J. L. Tissot, att'y for the claimant, ordered that the libellants do forthwith produce in court the entries accompanying the annexed 3 invoices.

Marshal's return.

Received June 2d, 1869, by the U. S. marshal, and served on same day, month, and year on libellants, by leaving same in hands P. H. Morgan, att'y for U. S.

(Signed) A. FREDERICK,
D'y U. S. Marshal.

NEW ORLEANS, *June 2d*, 1869.

Note of evidence.—Filed June 3d, 1869.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

109 Mr. Davisson, ex-consul of the U. S., sworn for defence; also, E. Dubois & T. B. Blanchard.

It is admitted that the libelled property was bonded by T. B. Blanchard, jr.

Plaintiff's charge.

1st. Upon the proofs in this case under the statute the burden of proof is on the claimants.

2d. If the jury find that the oath required by the statute of 1863 was knowingly omitted in making the entry of the wines libelled, and that in making such entry the oath of 1823 was knowingly substituted, this was a fraudulent practice, and the jury must find for the Government.

3d. If the jury find that there was a false or fraudulent valuation of the wine in the invoice, by means of which the entry was made, considering them as veritable and genuine wines designated in the invoice, the jury must find for the Government.

Defendant's charge.

110 UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382

In this case the claimant prays the court to instruct the jury—

1st. That the term "knowingly" in the act of 1863, by virtue of which the wines in this case is sought to be forfeited, refers to the guilty knowledge of the owner, consignee, or agent by whom the entry was made or attempted to be made; and that unless the jury is convinced that the

agent or consignee had such guilty knowledge when they, or either, made or attempted to make the entry in this cause, the wines cannot be forfeited.

2d. That the question of motive is a fact to be judged of by the jury from the evidence before them.

3d. That the jury are the sole judges of the weight of the evidence adduced and the credibility of the witnesses.

4th. That until probable cause is shown to the satisfaction of the court, the onus of proving innocence is not on the claimants.

Verdict and judgment.

UNITED STATES
vs. } No. 8382.
111 1050 CASES RED WINE.

This cause was resumed before the court and jury, and after hearing further evidence, and argument of counsel and receiving a charge from the court, D. Webster was appointed foreman of the jury, and they retired to consider on their verdict, and after due deliberation they returned into court and delivered the following verdict, to wit:

NEW ORLEANS, *June 3d*, 1869.

Verdict for the Government of the United States.

D. WEBSTER,
Foreman.

And the jury having been polled at the request of the claimant's attorneys, it appeared they had unanimously agreed in the verdict. Whereupon it is ordered that the verdict be recorded, and that in accordance therewith there be judgment decreeing the 1,050 cases red wine libelled in this case as forfeited to the United States; and, considering that the libelled property was released from seizure and restored to the claimant upon executing bond conditioned as the law directs, it is further
112 ordered and decreed that T. Bailly Blanchard, jr., as principal, and Jules Tuyes as surety on the bond, be condemned in solido to pay to the U. S. the sum of three thousand six hundred and seventy-five dollars, appraised value of the said property, with costs.

Judg nent rendered, June 3d, 1869.

Judgment signed, June 15th, 1869.

(Signed) E. H. DURELL, *Judge.*

Order for writ of error.—Extract from the minutes of 23d June, 1869.

UNITED STATES
vs. } No. 8382.
1050 CASES OF WINE.

On motion of G. Schmidt and J. L. Tissot, attorneys of claimant, and on their presenting a writ of error directed to this court from the honorable the circuit court of the United States for the 5th circuit, district of Louisiana, in this cause, it is ordered that the same be allowed, returnable to the next term of said circuit court, and that it operate as a supersedeas on claimant giving bond with good and solvent security in
113 the sum of $1,700, conditioned according to law.

Bond for writ of error.—Filed June 24th, 1869.

Know all men by these presents that we, T. Bailly Blanchard, as principal, and E. Bordelois, as surety, are held and firmly bound unto the United States of America in the full and just sum of seventeen hundred dollars, to be paid to the said United States of America, their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals, and dated this 24th day of June, in the year of our Lord one thousand eight hundred and sixty-nine.

Whereas, lately, at a district court of the United States, holding sessions in and for the district of Louisiana, in the city of New Orleans, in a suit depending in said district court, wherein the United States were plaintiffs, and said Blanchard defendant, judgment was rendered against the said T. B. Blanchard, claimant and defendant in the suit No.
114 8382 of the docket of said district court, having obtained a writ of error, and filed a copy thereof in the clerk's office of the said district court to reverse the judgment in the aforesaid suit, and a citation directed to the said United States of America citing and admonishing them to be and appear at a circuit court of the United States, to be holden at New Orleans the 1st Monday of November next:

Now, the condition of the above obligation is such, that if the said T. B. Blanchard shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) T. B. BLANCHARD, [L. S.]
Per G. SCHMIDT, *Proctor.*
(Signed) E. BORDELOIS. [L. S.]

Sealed and delivered in the presence of—
(Signed) K. LOEW, *Dy Clk.*

Bill of exceptions.—Filed July 1st, 1869.

U. S. district court, district of Louisiana.

115 UNITED STATES
vs.
1050 CASES OF RED WINE, T .B. BLANCHARD, claimant. } No. 8382.

Be it remembered that, on the calling of this cause, and before any of the jurors had been sworn, G. Schmidt and J. L. Tissot, attorneys of claimant, appeared on his behalf, and objected to the trial on the ground that the jurors had not been summoned conformably to the act of Congress of the 20th July, 1840, (5 St. at L., 394,) and shewed that the jury to serve in this cause had been selected by two freeholders appointed by the judge from residents of the parish of Orleans, in conformity to the 32d rule of the circuit court of the United States for the sixth judicial circuit, eastern district of Louisiana, and not drawn from the list of all persons liable to jury duty in the said parish of Orleans, made out by the sheriff of said parish in the month of December, 1868, from which the jurors should have been drawn according to the law of the State of Louisiana; but the court being of opinion that, although the State
116 law had not been followed, yet as it was admitted that the 32d

rule of the court above mentioned had been observed, overruled the objection, and ordered the jury to be impannelled and the cause tried; to which ruling of the court claimant excepts, and prays that this his bill of exceptions be signed and sealed, which is done accordingly.

(Signed) E. H. DURELL, *Judge.* [SEAL.]

Bill of exceptions.—Filed July 1st, 1869.

U. S. district court, district of Louisiana.

UNITED STATES
vs.
1050 CASES OF RED WINE, T. B. BLANCHARD, claimant. } No. 8382.

Be it remembered that, on the calling of the jury to try this cause, each juror before he was impannelled was sworn to answer questions and interrogated as to every fact contained in the first section of the act of Congress of the 17th June, 1862, Chap. CIII, and challenged for
117 cause if he failed to answer in the negative each and every fact in said section contained, and declared to be a cause of disqualification; to the propounding of which questions to the jurors, and each of them, the claimant, by his counsel, objected as soon as they were asked, and before any of them were answered, on the ground—

First. That the law authorizing the asking of these questions, and disqualifying the persons not answering them negatively, was unconstitutional, being a retroactive imposition of pains and penalties forbidden by the Constitution of the U. S. and recognized as illegal by various decisions of the Supreme Court of the U. S.

Secondly. Because of the amnesty proclamation of the President of the U. S. of the 4th July, 1868, which restored the trial by jury as it existed before the passage of the above law; but the court being of opinion that the district attorney had a right to put the above questions and exclude all those who did not answer them negatively, overruled the objections, to which claimant excepts, and prays that this his bill of exceptions be signed and sealed, which is done.

(Signed) E. H. DURELL, *Judge.* [L. S.]

118 *Bill of exceptions.—Filed July 1st, 1869.*

U. S. district court, district of Louisiana.

UNITED STATES
vs.
1050 CASES OF RED WINE, T. B. BLANCHARD, claimant. } No. 8382.

Be it remembered that, when this cause was called for trial, the claimant filed his affidavit setting forth various facts which caused him to believe that the jury, selected to try this cause at the present term of the court, could not, for the reasons assigned in said affidavit, which is made part of this bill of exceptions, (for the affidavit referred to herein, see page 82) try this cause and give an impartial verdict, and praying that a jury be summoned from the State at large, or from some other parish than that of Orleans, but the court, although the facts in said affidavit set forth, were not denied, without assigning any reason, or-

dered the cause to be tried by the jury then in attendance, all of
119 whom had been summoned from the parish of Orleans, to which ruling of the court the claimant excepts, and prays that this his bill of exceptions be signed and sealed, which is done accordingly.

(Signed) E. H. DURELL, *Judge.* [SEAL.]

Bill of exceptions.—Filed July 1st, 1869.

U. S. district court, district of La.

UNITED STATES
vs.
1050 CASES OF RED WINE, T. B. BLANCHARD, claimant. } No. 8382.

Be it remembered that on the trial of this cause the United States introduced a witness, one Cowie, (V. Henry,) who, after having been examined in chief, was turned over to claimant to be cross-examined; whereupon he was asked, among other questions, "if he had ever tasted the wine libelled in this suit? To the answering of which question the attorney of the United States objected, on the ground that the present controversy was not in relation to the quality of the
120 wine, but as to its under-valuation, and the court being of this opinion, sustained the objection and excluded the evidence; to which claimant excepts, and prays that this his bill be signed and sealed, which is done accordingly.

The question was as to its under valuation—supposing it to be a wine of the character and denomination set forth in the invoice. The court ruled that the claimant was bound by the description contained in the invoice.

(Signed) E. H. DURELL, *Judge.* *[L. S.]

*Affixed by leave of court May 17th, 1870.
(Signed) K. LOEW, *D'y Cl'k.*

Bill of exceptions.—Filed July 10th, 1869.

U. S. dist. court, district of La.

UNITED STATES
vs.
1050 CASES RED WINE, MARKED T B. B., Jr. } No. 8382.

Be it remembered that on the trial of this cause, and prior to the withdrawing of the jury for the purpose of deliberating on their verdict, the district attorney of the U. S. moved the court to instruct the
121 jury that if they should find that the entry of the goods sought to be forfeited, was not made in conformity to the provisions of the act of 3d March, 1863, chap. 76, U. S. Stat's at Large, p. 737, they should find in favor of the plaintiff, to the giving of which instruction the claimant objected.

1st. Because the libel alleges that the entry was duly made, which plaintiff could not contradict.

2d. Because the law requires that no goods shall be entered otherwise than in conformity to said act of 1863 after the 1st of July of that year, and since they were entered, the presumption of law is, that it was done legally.

3d. Because the libel does not set forth the irregularity of the entry as a cause of forfeiture.

But the court, being of opinion that the instruction asked was proper under the allegations in the libel, overruled claimant's objections and instructed the jury as requested; to which ruling of the court, and the giving of said instructions claimant excepts, and prays that this his bill of exceptions be signed, and sealed, which is done accordingly.

122 (Signed) E. H. DURELL, *Judge.* [L. S.]

District court of the United States, district of La.

I certify that the foregoing 149 pages do contain and form a correct and complete transcript of all the proceedings had, documents filed, and evidence adduced on the trial of the case of the U. S. vs. 1050 cases of wine, No. 8382 of the docket, with the exception of the writ of release, not returned by the marshal, document X, which is annexed in original, document C, to be found in record 8500, already on appeal; the Code de Commerce, which goes up in original; the instructions from Gibbs to Marshall, to be found in record 8507, already on appeal; and the invoice marked H, which cannot be found.

In testimony whereof I hereunto set my hand and the seal of our court at New Orleans, this 6th September, 1869.

[SEAL.] (Signed) K. LOEW,
Dy Clk.

Writ of error.—Received June 23d, 1869.

United States district court.

123 UNITED STATES
vs.
1050 CASES OF WINE. } No. 8382.

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judge of the district court of the United States holding sessions for the district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you or one of you, between the United States of America, plaintiffs, and 1050 cases of red wine, T. B. Blanchard, claimant & defendant, No. 8382 of the docket of said district court, a manifest error hath happened to the great damage of the said T. B. Blanchard, as by his complaint appears: We, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid,

124 with all things concerning the same, to the circuit court of the United States for the fifth circuit, district of Louisiana, together with this writ, so that you have the same at New Orleans on the first Monday of November next, in the said circuit court to be then and there held, that, the record and proceedings aforesaid being inspected, the said circuit court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should be done.

Witness, the Honorable Salmon Portland Chase, Chief Justice of said

Supreme Court of the United States, this twenty-third of June, in the year of our Lord, one thousand eight hundred and sixty-nine.

[SEAL.] (Signed) D. URBAN,
Clerk of the United States Circuit Court for the District of Louisiana.

Citation in error.—Issued June 24th, 1869.

United States district court, district of Louisiana.

UNITED STATES *vs.* 1050 CASES WINE. } No. 8382.

125 To the United States of America, through their district attorney, greeting.

You are hereby cited and admonished to be and appear before the circuit court of the United States for the 5th circuit and district of Louisiana, at its next term to be holden in the city of New Orleans, State of Louisiana, to answer the writ of error taken by claimant in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said claimant should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 24th of June, in the year of our Lord 1869, and the 93d of the American independence.

(Signed) E. H. DURELL, *Judge.*

Marshal's return of service.

Received June 26th, 1869, by the U. S. marshal, and on the same day, month, and year served a copy hereof, on the U. S. of America,
126 through their attorney, P. H. Morgan, by leaving the same with him at office custom-house building in this city.

New Orleans, June 28th, 1869.

(Signed) S. W. REED,
D'y U. S. Marshal.

PROCEEDINGS BEFORE THE U. S. CIRCUIT COURT.

Petition for writ of error.—Filed June 23d, 1869.

To the honorable the judges of the U. S. circuit court, fifth circuit, district of Louisiana.

The petition of T. Bailly Blanchard respectfully shews that a final judgment has been rendered against him in the district court of the United States, district of Louisiana, in a cause entitled United States vs. 1,050 Case of Red Wine, No. 8382 of the docket of said court, and that he is advised there is error therein to his prejudice.

Wherefore he prays that a writ of error be allowed him, directed to said district court in order that the proceedings in said cause may
127 be brought to this hon'ble court for review, and that the errors therein, if such there be, may be corrected.

(Signed) G. SCHMIDT & J. L. TISSOT,
Attorneys.

Transcript from U. S. district court. Filed October 26th, 1869.

Motion to dismiss.—Entered and filed April 26th, 1870.

U. S. circuit court.

UNITED STATES, DEFENDANTS IN ERROR,
vs.
1,050 CASES OF WINE, T. BAILLY BLANCHARD, claimant and plaintiff in error. } No. 5919.

A. B. Long, esq., attorney of the United States, defendants in error, this day moved the court to dismiss the writ of error herein sued out by T. Bailly Blanchard, plaintiff in error, on the ground that the parties against whom the judgment of the district court, which is, by said writ, brought to this court for review, was rendered, are not parties to the said writ of error, nor are their names therein set forth as plaintiffs in error, and on the further ground that the parties against whom
128 the said judgment of the district court was rendered, have not joined in sueing out said writ of error, nor in the execution of the bond given on the allowance of the same.

Wherefore it was ordered that the said motion be assigned for hearing for Saturday, the 30th day of April, 1870, at 11 a. m., and that T. Bailly Blanchard, plaintiff in error, be notified thereof.

Marshal's return thereon.

Received April 26th, 1870, by the U. S. marshal, and on the 27th day, same month and year, served copies of within motion on T. Bailly Blanchard, claimant and plaintiff in error, through J. L. Tissot and B. Schmidt, his attorneys, in the following manner, to wit, on J. L. Tissot. personally; G. Schmidt, by leaving the same at his office, No. 20 Camp street, in the hands of his son, John Schmidt. Said G. Schmidt being absent at time of service.

New Orleans, April 27th, 1870.

(Signed) S. W. REED,
D'y U. S. Marshal.

129 *Order of continuance.—Extract from the minutes.*

United States circuit court, fifth circuit and district of Louisiana. April term, 1870.

NEW ORLEANS, *Saturday, April 30th*, 1870.

Court met pursuant to adjournment.

Present, Hon. W. B. Woods, presiding judge; absent, Hon. E. H. Durell, district judge.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

For want of time it is agreed that the motion to dismiss pending in the the above cause be continued till Friday 6th May, 1870, at 11, a. m.

Order on motion to dismiss.—Extract from the minutes of Friday, May 6th, 1870.

UNITED STATES
vs.
1050 CASES WINE, &C. } No. 5919.

The motion to dismiss the appeal came on—U. S. attorney
130 Long for plaintiff; G. Schmidt for defendant—when, after hearing counsel it is ordered that the claimant have leave to amend the bond prior to the day the cause is fixed for trial on the merits and that the motion be continued till then.

Join'er on bond.—Filed May 10, 1870.

U. S. circuit court.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

Jules Tuyes, one of the parties in this suit against whom judgment is given, comes into court, by his undersigned attorneys, and in conformity to the permission granted by this hon'ble court on the 6th inst., joins Th. B. Blanchard and herewith furnishes the amount of security required to prosecute jointly with him, the writ of error granted in the above case.

(Signed.) G. SCHMIDT & J. L. TISSOT,
Attorneys.

Amended bond for writ of error.—Filed May 10th, 1870, as per leave of the court of the 6th instant.

131 UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

Know all men by these presents, that we, T. Bailly Blanchard and Jules Tuyes as principals and B. W. Hebrard as surety are held and firmly bound unto the United States of America in the full and just sum of seventeen hundred dollars to be paid to the said United States of America, their certain attorney, executors, administrators, or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents, sealed with our seals and dated this ninth day of May, in the year of our Lord one thousand eight hundred and seventy.

Whereas the above-named T. Bailly Blanchard and Jules Tuyes have obtained a writ of error in a suit depending in the district court for the district of Louisana, wherein the United States are plaintiffs, and Blanchard and Tuyes, defendants, judgment was rendered
132 against the said Blanchard and Tuyes defendants, and the said defendants having obtained a writ of error and filed a copy thereof in the clerk's office of the said district court, to reverse the judgment in the aforesaid suit, and a citation directed to the said United States of America, citing and admonishing them to be and appear at a circuit

court of the United States, to be holden at New Orleans the 1st Monday of November *last:*

Now the condition of the above obligation is such, that if the said Blanchard and Tuyes shall prosecute said writ to effect and answer all damages and costs if they fail to make their plea good then the above obligation to be void; else to remain in full force and virtue.

(Signed) T. BAILLY BLANCHARD, J'R [L. S.]
" JULES TUYES, [L. S.]
per J. L. TISSOT, *Attorney.*
" B. W. HEBRARD, [L. S.]

Sealed and delivered in the presence of—
(Signed) J. L. TISSOT.

Motion to dismiss.—Extract from the minutes of Tuesday, May 10, 1870.

133 UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

On motion of A. B. Long, attorney of the United States, defendant in error herein, and on suggesting to the court that five papers, purporting to be bills of exception, which appear on pages 140 to 149 inclusive, of the record herein, are not sealed in accordance with the requirements of law, it is ordered that the plaintiffs in error show cause, on Friday, 13th instant, at 11 a. m., why the said papers, purporting to be bills of exception, should not be stricken from the record herein.

Marshal's return on foregoing motion.

Received, May 11th, 1870, by the U. S. marshal, and on the same day, month, and year, served copies of within rule on plaintiff in error through G. Schmidt & J. L. Tissot, his attorneys, in the following manner, to wit:

On G. Schmidt by leaving same at his office, No. 28 Camp street, in the hands of John Schmidt, his son; J. L. Tissot, by leaving the same at his office, No. 34 Exchange alley, in the hands of John Hauck, office man.

134 New Orleans, May 11th, 1870.
(Signed) S. W. REED,
D'y U. S. Marshal.

Order on motions to dismiss.—Extract from the minutes of Friday, May 13th, 1870.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

The claimant having amended the bond, ordered that the motion to dismiss the appeal be overruled.

SAME
vs.
SAME. } No. 5919.

The rule to dismiss the bill of exceptions came up—

U. S. Att'y Long, for the plaintiffs; G. Schmidt for claimant—

When it appearing that the judge's seal has been affixed to the originals, ordered that the rule be dismissed.

Hearing and submission.—Extract from the minutes of Friday, May 13th, 1870.

135 UNITED STATES *vs.* 1050 CASES OF WINE. } No. 5919.

This cause came up to be heard on the transcript of the record from the district court of the United States for the district of Louisiana—

G. Schmidt, for plaintiff in error; A. B. Long, United States attorney, for defendant in error—

And the objections now filed by the district attorney to the bills of exception having been overruled, the trial of the cause, on its merits, was proceeded with, and, after hearing argument on both sides, the court took time to advise.

NOTE.—The objections above referred to have either been lost or mislaid, as the same could not, after a diligent search, be found.

D. URBAN,
Clerk.

Petition for a certiorari and order thereon.—Filed May 16th, 1870.

136 To the honorable the judges of the circuit court of the United States for the fifth judicial circuit, district of Louisiana:

The petition of T. Bailly Blanchard, claimant of one thousand and fifty cases of wine, libelled in the district court for the district of Louisiana, and therein condemned, from which petitioner has sued out a writ of error, now pending in this honorable court, and numbered 5919, respectfully shows that, in the transcript of the record brought up from the district court and filed in this court, there is an omission to the fourth bill of exceptions to the refusal of the court to require a witness, Cowie, to answer a certain question, to wit, the omission of the seal affixed thereto by permission of the judge of the district court. Wherefore he prays that a writ of certiorari issue, requiring the clerk of the aforesaid district court to correct the aforesaid omission by annexing thereto the aforesaid bill of exception, properly sealed, according to the fact, &c.

(Signed) G. SCHMIDT &
J. L. TISSOT,
Attorneys.

Order.

137 Let a writ of certiorari issue, commanding the clerk of the district court to supply the omission, as prayed for.

May 16th, 1870.

(Signed) W. B. WOODS, *Judge.*

Decree.—Extract from the judgment docket.

United States circuit court, fifth circuit and district of Louisiana.—April term, 1870.

NEW ORLEANS, *Tuesday, May 24th*, 1870.

Court met pursuant to adjournment.

Present: Hon. W. B. Woods, presiding judge; absent, Hon. E. H. Durell, district judge.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

For reasons orally assigned by the court, it is ordered, adjudged and decreed that the decree, rendered by the district court of the United States for the district of Louisiana, on the 3d June, 1869, be and the same is, hereby affirmed, with costs.

Decree rendered May 24th, 1870.

Decree signed May 28th, 1870.

(Signed) W. B. WOODS, *Judge.*

138 *Petition for writ of error and order thereon.—Filed June 7th*, 1870.

U. S. circuit court, 5th circuit and district of Louisiana.

UNITED STATES
vs.
1050 CASES OF WINE. } No. 5919.

To the hon'ble the judges of the United States circuit court for the fifth circuit, district of Louisiana.

The petition of T. Bailly Blanchard, claimant of the wine seized in the above suit, and of Jules Tuyes, his surety, respectfully represents that they feel aggrieved by the final judgment rendered against them in the above suit on the 24th of May last, and signed on the 28th of May following, confirming the decree of the district court of the United States for the district of Louisiana, rendered on the 3d of June, 1869, and that they are informed and hence aver that there is error to their prejudice in said judgment. Wherefore they pray that a writ of error be allowed them returnable in the Supreme Court of the United States, on the first Monday of December, 1870, to operate as a supersedeas, upon giving bond in such amount as the court may order, and
139 that they have general relief, &c.

(Signed) G. SCHMIDT & J. L. TISSOT,
Attorneys.

Order.

A writ of error is allowed in this case, as prayed for, returnable to the Supreme Court of the United States the first Monday of December, 1870, the same to operate as a supersedeas, upon the petitioners' giving bond in the sum of five hundred dollars with good and solvent security conditioned as the law requires.

New Orleans, June 7th, 1870.

(Signed) W. B. WOODS,
Judge Circuit Court, Dist. of La.

Bond for writ of error.—Filed June 7th, 1870.

Know all men by these presents, that we, T. Bailly Blanchard and Jules Tuyes, as principals, and Benjamin W'm Hebrard, as surety, are held and firmly bound unto the United States of America in the full and just sum of five hundred dollars, to be paid to the said United States of America, their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves,
140 our heirs, executors, and administrators, jointly and severally by these presents, sealed with our seals, and dated this seventh day of June, in the year of our Lord one thousand eight hundred and seventy.

Whereas, lately at a circuit court of the United States, fifth judicial circuit, holding sessions in and for the district of Louisiana, in a suit depending in said circuit court, wherein the United States of America are plaintiffs, and 1050 Cases of Wine, T. Bailly Blanchard claimant and defendant, judgment was rendered against the said T. Bailly Blanchard and Jules Tuyes, defendants; and the said T. Bailly Blanchard and Jules Tuyes having obtained a writ of error and filed a copy thereof in the clerk's office of the said circuit court to reverse the judgment in the aforesaid suit, and a citation directed to the said United States of America, citing and admonishing them to be and appear at a Supreme Court of the United States to be holden at Washington the first Monday of December next—

Now the condition of the above obligation is such that if the said T. Bailly Blanchard and Jules Tuyes shall prosecute their writ to
141 effect and answer all damages and costs, if they fail to make their plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) T. BAILLY BLANCHARD. [L. S.]
(") B. W. HEBRARD. [L. S.]
(") JULES TUYES. [L. S.]
Per SCHMIDT & TISSOT, *his Att'ys.*

Sealed and delivered in the presence of—
(Signed)
F. B. VINOT.

142 United States of America, circuit court of the United States, fifth circuit and district of Louisiana.

CLERK'S OFFCE.

I, Dominick Urban, clerk of the circuit court of the United States for fifth circuit and district of Louisiana, do hereby certify that the foregoing 141 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of the United States vs. 1050 Cases of Wine, No. 5919 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 27 day of September, A. D. 1870.

[SEAL.] D. URBAN, *Clerk.*

[5-cent int. rev. stamp affixed and canceled.]

I, E. H. Durell, United States judge for the district of Louisiana, do hereby certify that Dominick Urban, whose name is signed to the above

certificate as clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand at the city of New Orleans, in said district, this 27 day of September, A. D. 1870.

E. H. DURELL, *Judge.*

[5-cent int. rev. stamp affixed and canceled.]

143 UNITED STATES OF AMERICA, *ss:*

The President of the United States, to the honorable the judges of the circuit court of the United States in and for the fifth circuit, and holding sessions for the district of Louisiana, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or one of you, between the United States of America & 1050 Cases of Wine, T. Bailly Blanchard, claimant, and Jules Tuyes, his surety, a manifest error hath happened, to the great damage of the said T. Bailly Blanchard, claimant, as aforesaid, & Jules Tuyes, his surety, as by their petition of complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf; do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court, to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this sixth day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] D. URBAN,
Clerk of the United States Circuit Court
For the District of Louisiana.

(Indorsed:) United States circuit court. No. 5919. United States versus 1050 Cases of Wine. T. B. Blanchard, claimant, T. Tuyes, surety. Writ of error, filed June 6th, 1870. F. B. Vinot, d'y cl'k.

144 THE UNITED STATES OF AMERICA, *District of Louisiana:*

The President of the United States, to the United States of America, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a petition & a writ of error filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein T. Bailly Blanchard and Jules Tuyes are plaintiffs in error, and you are defendants, to show cause, if any there be, why the judgment rendered against the

said plaintiffs, as in said petition & writ mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this eighth day of June, in the year of our Lord one thousand eight hundred and seventy.

W. B. WOODS,
Circuit Judge, 5th Circuit.

(Indorsed:) United States circuit court. No. 5919. 1650 cases of wine. T. Bailly Blanchard & Jules Tuyes, pl'ffs in error, vs. the United States, defendants. Citation in error.

Marshal's return.

Received, June 8, 1870, by the U. S. marshal, and on the 10th day same month & year, served a copy of the within citation in error on the United States of America through A. B. Long, U. S. att'y, district of Louisiana, by delivering the same to him in person at his office in the custom-house building in this city.

New Orleans, June 10, 1870.

S. W. REED,
D'y U. S. Marshal.

(Indorsement on cover:) No. 363. 1050 Cases of Wine, T. Bailly Blanchard, claimant, plaintiff in error, vs. the United States. Louisiana C. C. U. S. Filed 9th December, 1870.